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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on 13th March, 2015:—

BILL NO. 12 OF 2015

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 2014.

Amendment of article 1.

2. In article 1 of the Constitution, for clause (*1*), the following clause shall be substituted, namely:—

"(*1*) Bharat, that is Hindustan, shall be a Union of States.".

Substitution of reference to 'India' by 'Hindustan'.

3. Throughout the Constitution, for the word "India", wherever it occurs, the word "Hindustan" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The ancient and traditional names of our country are Bharat and Hindustan. These two names were popular during pre-British period. After the establishment of the British rule, Britishers used the name "India" which was popular in their own country. The framers of the Constitution recognised the ancient name of the country 'Bharat' and gave it its due place in the Constitution. Article 1 of the Constitution provides that "India, that is Bharat, shall be a Union of States". However, due to popularity of the English name, the traditional name of our country 'Hindustan' has been left out.

The Bill seeks to amend the Constitution with a view to changing the nomenclature of our country from "India, that is Bharat" to "Bharat, that is Hindustan". The word "India" denotes the symbol of slavery and thus deserves to be omitted from our Constitution.

The Bill seeks to achieve the above objective.

NEW DELHI; YOGI ADITYANATH

July 18, 2014.

BILL NO. 75 OF 2015

A Bill further to amend the Representation of the People Act, 1951.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. (*1*) This Act may be called Representation of People (Amendment) Act, 2015. Short title and commencement.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

43 of 1951. **2.** For section 70 of the Representation of the People Act, 1951, the following section shall be substituted, namely:— Substitution of new section for section 70.

"70. If a person is elected to more than one seat in either House of Parliament or in the House or in either House of the Legislature of a State, then,— Election to more than one seat in either House of Parliament or in the House or either House of the Legislature of a State.

(*a*) if he, within the prescribed time, does not resign from all, except one of the seats, by writing under his hand addressed to the Speaker or Chairman, as the case may be, or to such authority or officer as may be prescribed, his election to all the seats shall be deemed to be void and, in such a situation, the Election Commission shall declare the runner-up candidates to be elected from such seats; and

(*b*) if he, within the prescribed time, resigns from all, except one seat, by writing under his hand addressed to the Speaker or Chairman, as the case may be, or to such authority or officer as may be prescribed, the Election Commission shall declare the runner-up candidates of such resigned seats, to be elected".

STATEMENT OF OBJECTS AND REASONS

The Representation of the People Act, 1951 provides for the conduct of elections to the Houses of Parliament and to the Houses of Legislature of each State. Section 33 of the Act allows candidates to contest elections from up to two seats in either House of Parliament and either House of the State Legislature. Section 70 of the Act provides that in the event that a candidate is declared elected from both seats in either House of Parliament and/or either House of the Legislature of a State, he or she has to resign from all except one seat, which in effect triggers bye-elections.

This provision is often used as safety-net to ensure electoral success. More often than not, election of a candidate from more than one seat necessitates bye-elections. The exchequer has to bear additional cost of conducting these bye-elections. More importantly, the resignation of the elected candidate from all but one seat significantly affects the public morale.

The Bill, therefore, seeks to amend the Representation of People Act, 1951 with a view to provide that if a candidate is elected to more than one seat in either House of Parliament or in the House or either House of Legislature of a State and resigns from all, except one seat, the candidates securing the second highest number of votes from such resigned seats shall be declared elected. In the event, he does not resign from any of the elected seats, his election to all the elected seats shall be void and the candidates securing the second highest votes shall be declared elected from such seats.

The Bill indirectly penalises political parties which use this provision as political insurance and at the same time seeks to prevent an additional burden on the exchequer by mitigating resultant bye-elections. In effect, the Bill imposes costs on political parties for taking undue advantage of the law to their benefit and, as such, is an attempt to dis-incentivise political parties from manoeuvring the system to their benefit.

Hence this Bill.

NEW DELHI;
November 11, 2014.

BAIJAYANT PANDA

BILL NO. 11 OF 2015

A Bill to provide for payment of pension to old age citizens.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Old Age Pension Act, 2015.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(*b*) "old person" means any person who has attained the age of sixty years; and

(*c*)"prescribed" means prescribed by rules made under this Act.

Pension to old age persons.

3. *(1)* Every old person who is a citizen of India shall, on an application made in the prescribed form, be paid rupees two thousand per mensem as pension, by the appropriate Government.

(2) The pension payable shall be subject to such revision, on the basis of the prevailing cost of living index, as may be determined from time to time by the Central Government.

(*3*) The pension referred to in sub-section (*1*) shall be disbursed to old persons, by the appropriate Government through Government Treasury or such nationalized bank, as may be prescribed by the Central Government:

Provided that an old person who is receiving pension from the appropriate Government or who has some source of income which is more than the amount given under this Act shall not be eligible for pension under this Act.

Constitution of Old Persons Pension Fund.

4. *(1)* The Central Government shall constitute a Fund to be known as the Old Persons Pension Fund for carrying out the purposes of this Act.

(2) The Fund shall consist of the sums paid into it by the Central Government after due appropriation made by Parliament by law in this behalf and all such moneys received by way of grants or donations from any individual, organisation or agency including international agency.

Power to make rules.

5. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

India's social security system is woefully inadequate in comparison even to third world economies. Some States in India have social security schemes but the scale of benefits is modest. The Indira Gandhi Old Age Pension Scheme of the Central Government covers only old age persons living below poverty line. Moreover, the pension amount paid at the rate of rupees two hundred per month is a meagre amount to meet the bare need of food of pensioners. Today, we find that millions of senior citizens who do not have sufficient means or any support system have to lead a life full of hardships. These people, who are without any source of income, live in hunger and loneliness without anyone to take care of their needs. Ours is a welfare State. It is the foremost duty of the State to provide for a universal pension scheme for old age persons.

The Bill seeks to achieve the above objective.

NEW DELHI;
December 22, 2014.

SANKAR PRASAD DATTA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the payment of pension at the rate of rupees two thousand per month to such old persons who have attained the age of sixty years or more. Clause 4 provides for the constitution of Old Persons Pension Fund by the Central Government. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India.

It cannot be estimated at this stage as to how many old persons will need assistance from the Central Government. However, an annual recurring expenditure of about rupees two thousand crore is likely to be involved from the Consolidated Fund of India.

No non-recurring expenditure will be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 58 OF 2015

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 2015.

Insertion of new article 21B.

2. After article 21A of the Constitution, the following article shall be inserted namely:—

Right to social security.

"21B. The State shall provide social security to every citizen in such manner as the State may, by law, determine.

Explanation.—In this article, the expression "social security" means—

(*i*) provision of employment or unemployment allowance to an unemployed citizen from the age of thirty years till he gets gainful employment or attains the age of sixty years, whichever is earlier;

(*ii*) old age pension and necessary assistance for a decent livelihood to citizen who have attained the age of sixty years and have no other source of income;

(*iii*) disability allowance and other assistance to all disabled citizens who have no other source of income; and

(*iv*) compulsory health insurance for all old aged and disabled citizens.

Omission of article 41.

3. Article 41 of the Constitution shall be omitted.

STATEMENT OF OBJECTS AND REASONS

Even after more than sixty-seven years of independence, the State has not secured to its citizens the rights envisaged under article 41 of the Constitution. There have been cases of death due to starvation, malnutrition, inadequate health care facilities, etc. in many parts of the country. A large section of population is lacking basic facilities and lives below subsistence level. Social insecurities such as loss of employment, disability, old age and ill-health, etc. are to be addressed properly. Social security needs to be viewed as a basic/ fundamental right rather than as a charity oriented intervention.

The term social security should consist of all types of measures, preventive, promotional and protective as the case may be. The term encompasses social insurance, social assistance, social protection, social safety net, etc.

It should be the duty of the State to provide social security to all citizens of the country. The Bill seeks to achieve the above objectives.

Hence this Bill.

NEW DELHI;
December 22, 2014.

SANKAR PRASAD DATTA

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to insert a new article 21B in the Constitution, which makes the State responsible for providing social security to all the citizens. Thus, it would become the duty of the State to provide social security according to the needs of diverse sections of population.

The total overall financial burden due to implementation of obligations under the proposed provision would be shared between Central and State Governments in the ratio of seventy five and twenty five per cent, respectively.

At this stage, it is not possible to estimate the total financial implication in case this Bill is enacted and implemented. However, if the Bill is enacted and implemented approximate recurring expenditure of rupees five thousand crore from the Consolidated Fund of India per annum would be involved.

A non-recurring expenditure to the tune of rupees five thousand crore is also likely to be involved from the Consolidated Fund of India.

BILL NO. 12 OF 2015

A Bill to provide for the constitution of the Insurance Agents Welfare Fund for the welfare of insurance agents and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the sixty-sixth year of Republic of India as follows:—

Short title, extent and commencement.

1. *(1)* This Act may be called the Insurance Agents Welfare Fund Act, 2015.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(i) "Fund" means the Insurance Agents Welfare Fund constituted under section 3 of this Act;

(ii) the expression "Insurance Agent" shall have the same meaning as is assigned to it in the Insurance Act, 1938; and 4 of 1938.

(iii) "prescribed" means prescribed by rules made under this Act.

Insurance Agents Welfare Fund.

3. *(1)* The Central Government shall constitute a Fund to be known as the Insurance Agents Welfare Fund.

(2) The Fund shall consist of contributions from Central Government, the insurance companies and the insurance agents in such ratio as may be prescribed.

(3) The Fund shall be administered by a Board, consisting of—

(*a*) the Union Minister of Finance	— Chairman, *ex-officio;*
(*b*) two persons representing the Insurance Regulatory and Development Authority constituted under section 3 of the Insurance Regulatory and Development Authority Act, 1999	— Members; and
(*c*) two persons representing the insurance agents to be nominated by the Central Government.	— Members.

41 of 1999.

(4) The salary and allowances payable to, and other terms and conditions of service of the members of the Board shall be such as may be prescribed.

Utilisation of the Fund.

4. The Fund shall be utilized for the:—

(*i*) payment of adequate compensation to the next of kin of insurance agents in case of death in harness;

(*ii*) payment of old age pension at such rate, as may be prescribed, to insurance agent after he has attained the age of sixty-five years;

(*iii*) payment of family pension at such rate, as may be prescribed, to the dependents of the deceased insurance agents;

(*iv*) payment of premium for medical insurance of the insurance agents and their families; and

(*v*) such other purposes as the Board may deem necessary for the welfare of insurance agents.

Power to make rules.

5. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The insurance agents play a major role in procuring business and in the growth of the insurance sector. More than a million people are engaged as insurance agents in the public sector Life Insurance Corporation alone. Majority of them have opted for this profession as a full time job. The work requires a lot of time, energy and dedication. The competition amongst insurance companies for business has tremendously increased after the opening up of this sector to private players at national level and by permitting foreign direct investment in the insurance sector.

It is estimated that seventy five per cent. of the insurance agents earn less than rupees sixty thousand per annum which is not sufficient to meet even minimum requirements of a family. Their contribution to insurance sector is immense in creating assets and increasing profits of the companies, at the same time providing benefits of insurance to the general public. Due to absence of any welfare scheme aimed at providing the insurance agents the necessary social security, they live in pathetic conditions. A portion of profit earned by the insurance companies through hard work of such agents needs to be devoted for the welfare of insurance agents and their families. It is the responsibility of the Government in a welfare State to provide proper medical care, old age pension, family pension, etc. to every citizen of the country. Therefore, a suitable legislation is urgently required to provide for general welfare of persons working as agents in the insurance sector.

Hence this Bill.

NEW DELHI;
December 22, 2014.

SANKAR PRASAD DATTA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constitution of a Fund to be known as the Insurance Agents Welfare Fund and for the constitution of a Board to administer the Fund. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees fifty crore per annum.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 4 OF 2015

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2015. Short title.

2. After article 16 of the Constitution, the following article shall be inserted, namely:— Insertion of new article 16A.

"16A. Nothing in this Constitution shall prevent the State from making any provision for reservation in the matter of employment in private enterprises in favour of persons belonging to the Scheduled Castes and the Scheduled Tribes. Employment opportunities to persons belonging to Scheduled Castes and Scheduled Tribes in private sector.

Explanation.—In this article,—

(*i*) "private enterprise" means a private enterprise or organization whose annual turnover is not less than rupees ten crore; and

(*ii*) "provision for reservation" includes any incentive, which may be given to a private enterprise by the State, to encourage the enterprise to provide reservation in employment to persons belonging to the Scheduled Castes and the Scheduled Tribes.".

STATEMENT OF OBJECTS AND REASONS

Although private enterprises have dedicated 'Corporate Social Responsibility' divisions, it is observed that these enterprises have not been actively pursuing their social responsibilities. Private enterprises are supposed to carry out their social responsibilities actively in the interest of general public and especially towards weaker sections of our society. The job opportunities in the private sector have increased manifold following the liberalization of the Indian economy during the last decade. In order to fulfil its social responsibility, the private sector should come forward to extend job opportunities to the persons belonging to the Scheduled Castes and the Scheduled Tribes.

It is necessary to make an amendment in the Constitution to enable the State to encourage private enterprises to provide reservation in employment to the persons belonging to the Scheduled Castes and the Scheduled Tribes in their establishments.

The Bill seeks to achieve the above objective.

NEW DELHI;
December 22, 2014.

SANKAR PRASAD DATTA

BILL NO. 44 OF 2015

A Bill further to amend the Indian Penal Code, 1860.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Indian Penal Code (Amendment) Act, 2015.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Substitution of new section for section 272.

45 of 1860.

2. In the Indian Penal Code, 1860 (hereinafter referred to as the principal Act), for section 272, the following section shall be substituted, namely:—

Adulteration of food or drink intended for sale.

"272. Whoever adulterates any article of food or drink, so as to make such article unsafe for consumption, intending to sell such article as food or drink, or knowing it to be likely that the same will be sold as food or drink, shall be punished with imprisonment for a term which may extend to life, or with fine which may extend to fifty lakh rupees, or with both.".

Substitution of new section for section 273.

3. In the principal Act, for section 273, the following section shall be substituted, namely:—

Sale of adulterated, misbranded or substituted food or drink.

"273. Whoever stores, sells, offer for sale, possesses for sale, causes to be sold or manufactures for sale, as food or drink, any article which has been adulterated, misbranded or substituted so as to render it unsafe or injurious to health, shall be punished with imprisonment for a term which may extend to life, or with fine which may extend to fifty lakh rupees, or with both.".

STATEMENT OF OBJECTS AND REASONS

The practice of adulteration of food is a serious threat to health of the members of community and it eventually affects the overall quality of life of people.

The Food Safety and Standards Act, 2006 was enacted with a view to consolidate the laws relating to food and to establish the Food Safety and Standards Authority of India for laying down science based standards for articles of food and to regulate their manufacture, storage, distribution, sale and import, to ensure availability of safe and wholesome food for human consumption and for matters connected therewith.

However, there has been a need for stringent punishment to offenders and strict implementation of the Act. Often adulterators are charged under section 272 or 273 of the Indian Penal Code, 1860 which do not provide for stringent punishment and, as such, are not of much significance. The issue has been raised in the Parliament quite often. The Courts in their various orders and judgements have observed that more robust legislative framework to address the menace of food adulteration should be framed.

In view of the above, there is an urgent need for stringent punishment that can act as a deterrent against the practice of food adulteration.

The Bill, accordingly, seeks to amend the Indian Penal Code, 1860 with a view to provide for stringent punishment against the practice of food adulteration.

NEW DELHI;
January 30, 2015.

SANJAY JAISWAL

BILL NO. 45 OF 2015

A Bill further to amend the Food Safety and Standards Act, 2006.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Food Safety and Standards (Amendment) Act, 2015.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

34 of 2006.

Amendment of section 3.

2. In the Food Safety and Standards Act, 2006 (hereinafter referred to as the principal Act), in section 3, in sub-section (*1*),—

(*i*) after clause (*zi*), the following clause shall be inserted, namely:—

"(*zia*) "pre-packaged food" means food, which is placed in a package of any nature, in such a manner that the contents cannot be changed without tampering it and which is ready for sale to the consumer;"; and

(*ii*) in cause (*zz*),—

(*a*) for sub-clause (*iv*), the following sub-clause shall be substituted, namely:—

"(*iv*) by the substitution of any substance, including any inferior or cheaper substance, whether wholly or in part; or"; and

(*b*) after sub-clause (*xii*) the following sub-clauses shall be inserted, namely:—

"(*xiii*) by concealing, in any manner, any damage or inferiority; or

(*xiv*) by virtue of its being transported or offered for transport in violation of provisions of section 24A.".

Insertion of new section 20A.

Restriction on the use of any substance to increase bulk or weight, etc. of an article of food.

3. After section 20 of the principal Act, the following section shall be inserted, namely:—

"20A. Save as otherwise provided in this Act, every manufacturer or packers of an article of food shall ensure that no substance is added or mixed thereto or packed therewith so as to increase its bulk or weight or reduce its quality or make it appear better or of greater value.".

Insertion of new Chapter IV A.

4. In the principal Act, after section 24, the following Chapter and sections thereunder shall be inserted, namely:—

"CHAPTER IV A

SANITARY TRANSPORTATION PRACTICES

Practices to ensure hygienic transportation of food.

24A. (*1*) No person shall transport any article of food in any vehicle—

(*a*) unless the vehicle is adequately cleaned to prevent any chemical, physical or microbiologial contamination of an article of food; and

(*b*) together with contaminated food, waste food, poisonous or any harmful substance, a living animal or any such object as may contaminate or spoil the food.

(*2*) The freight compartment of a vehicle shall—

(*a*) have an interior surface made of an easy-to-clean and smooth, rust free, non-toxic and non-absorbent material without open joints or seams;

(*b*) be dust proof; and

(*c*) not be used simultaneously for transport of any person or an object which may contaminate the food.

(*3*) Notwithstanding anything in this Act, no non-prepackaged food shall be—

(*a*) transported in such a manner as may bring it in contact with the floor of a vehicle or covering part thereof; and

(*b*) transported in such a manner as may spoil or contaminate it.

Waiver in respect of practices of transportation of articles of food.

24B. (*1*) The Chairperson may, after consultation with other Members, by order waive any requirement of section 24A, with respect to any class of persons, vehicles or articles of food, if the Chairperson has reason to believe that the waiver—

(*a*) shall not result in transportation of food under conditions that would be unsafe for health; and

(*b*) is not contrary to the public interest.

(*2*) Every order issued under sub-section (*1*) shall be published along with reasons thereof in the Official Gazette.

Amendment of section 51.

5. In section 51 of the principal Act, for the words ''five lakh rupees'', the words ''twenty lakh rupees'' shall be substituted.

Amendment of section 52.

6. In section 52 of the principal Act, in sub-section (*1*), for the words ''three lakh rupees'', the words ''ten lakh'' shall be substituted.

Amendment of section 53.

7. In section 53 of the principal Act, in sub-section (*1*), in clause (*1*), for the words ''ten lakh rupees'', the words ''fifty lakh rupees'' shall be substituted.

Amendment of section 54.

8. In section 54 of the principal Act, for the words ''one lakh rupees'', the words "five lakh rupees" shall be substituted.

Amendment of section 56.

9. In section 56 of the principal Act, for the words ''one lakh rupees'', the words ''five lakh rupees'' shall be substituted.

Amendment of section 57.

10. In section 57 of the principal Act, in sub-section (*1*),—

(*a*) in clause (*i*), for the words ''two lakh rupees'', the words ''five lakh rupees'' shall be substituted; and

(*b*) in clause (*ii*), for the words ''ten lakh rupees'', the words ''twenty lakh rupees'' shall be substituted.

Amendment of section 59.

11. In section 59 of the principal Act,—

(*a*) in clause (*i*), for the words ''one lakh rupees'' the words ''five lakh rupees'' shall be substituted;

(*b*) in clause (*ii*), for the words ''three lakh rupees'' the words ''ten lakh rupees'' shall be substituted.

(*c*) in clause (*iii*), for the words ''five lakh rupees'', the words ''twenty lakh rupees'' shall be substituted; and

(*d*) for clause (*iv*), the following clause shall be substituted, namely:—

''(*iv*) where such failure or contravention results in death, with imprisonment for a term which shall not be less than ten years but which may extend to imprisonment for life and also with fine which shall not be less than twenty-five lakh rupees.''.

STATEMENT OF OBJECTS AND REASONS

With a view to consolidate the laws relating to food and for laying down science based standards for articles of food and to regulate their manufacture, storage, distribution, sale and import, to ensure availability of safe and wholesome food for human consumption and for that purpose to establish the Food Safety and Standards Authority of India, Parliament enacted the Food Safety and Standards Act, 2006.

However, there is a need to bring more malpractices within the meaning of adulteration and to make it more robust.

Also, the issue of penal provisions for the offenders has been discussed and questioned time and again by the Parliament as well as the Judiciary. The punishment given to offenders for adulteration of food fails to act as a deterrent. There is thus a need for amending the Food Safety and Standards Act, 2006 to make various offences punishable with greater severity.

Hence this Bill.

NEW DELHI;
January 30, 2015.

SANJAY JAISWAL

BILL NO. 64 OF 2015

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 2015.

Amendment of article 123.

2. (*1*) In article 123 of the Constitution,—

(*i*) in clause (*1*), the following proviso shall be added at the end, namely:—

"Provided that an Ordinance shall not be promulgated if it contains, in substance, all or any of the provisions of—

(*a*) a Bill, which, having been introduced by a Minister, is pending in either House of Parliament;

(*b*) a Bill, which, having been introduced in either House of Parliament by a Minister, has been rejected by either House; or

(*c*) an earlier Ordinance, which has ceased to operate or withdrawn in terms of clause (2) of this article.";

(*ii*) after clause (*1*), the following clause shall be inserted, namely:—

"(*1A*). Nothing in the proviso to clause (*1*) shall prevent the promulgation of an Ordinance containing, in substance, all or any of the provisions of a Bill rejected by either House, or an earlier Ordinance, after the expiry of one year of the date of rejection of the Bill, or the date of cessation or withdrawal of an earlier Ordinance, as the case may be."; and

(*iii*) in clause (*2*), in sub-clause (*a*), for the words "six weeks", the words "three weeks" shall be substituted.

Amendment of article 213.

3. In article 213 of the Constitution,—

(*i*) in clause (*1*), after the existing proviso, the following proviso shall be added, namely:—

"Provided further that an Ordinance shall not be promulgated if it contains, in substance, all or any of the provisions of—

(*a*) a Bill, which, having been introduced by a Minister, is pending in the Legislative Assembly of the State or where there is a Legislative Council in the State, in either House;

(*b*) a Bill, which, having been introduced in the Legislative Assembly of the State by a Minister, has been rejected by the Legislative Assembly, or where there is a Legislative Council in the State, having been introduced in either House of the Legislature of the State by a Minister, has been rejected by either House; and

(*c*) an earlier Ordinance, which has ceased to operate or withdrawn in terms of clause (*2*) of this article.";

(*ii*) after clause (*1*), the following clause shall be inserted, namely:—

"(*1A*). Nothing in the second proviso to clause (*1*) shall prevent the promulgation of an Ordinance containing, in substance, all or any of the provisions of a Bill rejected by the Legislative Assembly of the State, or where there is a Legislative Council in the State, by either House, or an earlier Ordinance, after the expiry of one year of the date of rejection of the Bill, or the date of cessation or withdrawal of an earlier Ordinance, as the case may be."; and

(*iii*) in clause (*2*), in sub-clause (*a*), for the words "six weeks", the words "three weeks" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

Article 123 of the Constitution empowers the President to legislate by promulgating ordinances. However, this power, which was conceived of by the framers of the Constitution as a measure of last resort, have often been misused by the Executive. Ordinances have been promulgated when there was no urgency and the Government could have waited till commencement of the session for approval of legislative measure in normal course. Similarly, ordinances have been issued when Bills containing same provisions are pending in Parliament or have been rejected by a House of Parliament.

To address the above concerns, the Bill seeks to amend the Constitution to provide that an Ordinance shall not be promulgated if it contains, in substance, all or any of the provisions of—

(*a*) a Bill, which, having been introduced by a Minister, is pending in either House of Parliament;

(*b*) a Bill, which, having been introduced in either House of Parliament by a Minister, has been rejected by either House; and

(*c*) an earlier Ordinance, which has ceased to operate or withdrawn in terms of clause (2) of article 123 of the Constitution.

It is also being proposed that an Ordinance shall cease to operate at the expiration of three weeks from the reassembly of Parliament instead of present period of six weeks.

The Bill also seeks to make corresponding amendments in article 213 in relation to promulgation of ordinances by the Governor of a State.

NEW DELHI;
November 19, 2014.

BHARTRUHARI MAHTAB

BILL NO. 41 OF 2015

A Bill to provide for payment of unemployment allowance to graduates living below poverty line and for matters connected therewith.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Unemployment Allowance for Graduates Living Below Poverty Line Act, 2015.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "graduate" means any citizen who holds a bachelor's degree or equivalent qualification from any university or institution and includes citizens who hold qualifications higher than that of a degree or its equivalent; and

(*b*) "prescribed" means prescribed by the rules made under this Act.

Unemployment allowance to graduates living below poverty line.

3. *(1)* Every unemployed graduate who falls in the Below Poverty Line category determined by the Central Government shall be entitled to receive a monthly unemployment allowance at such rate, as may be prescribed, till the time he is gainfully employed.

(2) The Central Government shall, while fixing the rate of unemployment allowance, take into account the age, educational qualification, technical skills, physical disabilities and such other factors, as it may deem necessary:

Provided that different rates of unemployment allowance may be prescribed for graduates on the basis of subjects in which they hold degrees and the State or part of the State of their residence.

Central Government to provide funds.

4. The Central Government shall, after due appropriation made by the Parliament by law in this behalf, provide adequate funds to the State Governments for the purpose of payment of unemployment allowance to unemployed graduates in the States.

Act to have overriding effect.

5. The provisions of this Act have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or any instrument having effect by virtue of any such law.

Act not to be in derogation of any other laws in force.

6. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Power to make rules.

7. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The problem of unemployment amongst graduates in the country is alarming. In this regard various studies have shown that nearly forty-seven per cent. graduates in the country are unemployed either due to lack of adequate skills or unavailability of job.

The unhealthy trend of shifting of sectors amongst youth living below poverty line for want of job and gaining quick money is the major concern, which needs to be properly addressed. The country is missing out the potential of using the minds and skills of youth for the service of the nation. The present Bill provides for unemployment allowance to graduates living below poverty line till they get employed in their desired field instead of joining different sectors and fields for quick money. Such a measure will help in realizing the idea of 'Make in India' and skill development amongst youth in real sense.

Hence this Bill.

NEW DELHI;
February 2, 2015.

MAHEISH GIRRI

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that every unemployed graduate living below poverty line shall be entitled to receive monthly unemployment allowance at such rate as the Central Government may fix after taking into consideration certain factors. Clause 4 provides that the Central Government shall provide adequate funds to the State Government for payment of unemployment allowance to the unemployed graduates in the States. The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of about rupees five hundred crore will be involved as recurring expenditure per annum.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purpose of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is, therefore, of a normal character.

BILL NO. 42 OF 2015

A Bill to regulate the functioning of play schools and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title, extent and commence-ment.

1. (*1*) This Act may be called the Play Schools (Regulation) Act, 2015.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such a date, as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "appointed day" means the date of the commencement of this Act;

(*b*) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(*c*) "authority" means the Play Schools Education Authority constituted by appropriate Government under section 3;

(*d*) "play school" means and elementary school or formal centre or institution including private schools imparting pre-school or nursery education to children before their enrolment in the first standard; and

(e) "prescribed" means prescribed by rules under the Act.

Constitution of the Play Schools Education Authority.

3. *(1)* With effect from the appointed day, the appropriate Government shall, by notification in the Official Gazette, constitute an authority to be known as the Play Schools Education Authority to regulate within its territorial jurisdiction, the functioning of play schools and conditions of service for teachers working in such schools.

(*2*) The authority shall consist of—

(a) a Chairperson to be appointed by the appropriate Government; and

(b) a maximum of twelve members to be appointed by the appropriate Government:

Provided that the number of members shall, in no case, be less than six.

(*3*) The Chairperson and other members referred to in sub-section (*2*) shall be chosen from amongst the persons who have special knowledge and at least twenty years of experience in the field of education.

(*4*) The term of office and conditions of service of the Chairperson and the other members shall be such as may be prescribed.

(5) The appropriate Government shall appoint such number of officers and staff to assist the authority, as it considers necessary, for its efficient functioning.

Functions of the Authority.

4. (*1*) It shall be the duty of the authority to regulate the functioning of play schools and conditions of service of teachers, under its jurisdiction.

(*2*) Without prejudice to the generality of the provisions contained in sub-section (*1*), the authority may,—

(*a*) fix the student-teacher ratio;

(*b*) put a ceiling on the tuition fee and other charges;

(*c*) fix the hours of duty of teachers;

(*d*) monitor the funds collected by the schools;

(*e*) suggest the type of infrastructure to be maintained and the safety conditions to be ensured;

(*f*) prescribe curriculum;

(*g*) require setting up of a grievance redressal mechanism;

(*h*) recommend to the appropriate Government the mechanism for registration and recognition of play schools; and

(*i*) perform such functions as may be prescribed.

Power to make regulations.

5. (*1*) The Authority may, with the previous approval of the appropriate Government, make regulations consistent with this Act for regulating the minimum qualifications for recruitment and the conditions of service of teachers of play schools.

(*2*) Subject to any regulation that may be made in this behalf, no teacher of a play school shall be dismissed or removed nor shall his service be otherwise terminated except with the prior approval of the authority.

Salary, allowances and other benefits to teachers.

6. The salary, allowances, medical facilities, pension, gratuity, provident fund and other benefits of the teachers of play school shall not be less than those of the teachers of the corresponding status in schools run by the appropriate Government.

Fee and other charges.

7. No play school shall charge a tuition fee or collect other charges or receive payments, in excess of the amounts specified by the authority:

Provided that every play School shall obtain prior approval of the authority for charging tuition fee or collecting other charges or receiving payments, exceeding the amounts specified by the authority.

Closing down of play school.

8. If the appropriate Government, on receipt of a report from the authority, is satisfied that the managing committee of any play school has neglected to perform its duties imposed on it by or under this Act or any rules or regulations made thereunder and it is expedient in the interest of the school education to close down such school, it may, after giving reasonable opportunity of being heard to the managing committee of the school, order closing down of such school for such period as it may consider appropriate:

Provided that if the school is a recognized play school, the appropriate Government may also withdraw its recognition.

Act not to be in derogation of other laws.

9. The provisions of this act shall be in addition to and not in derogation of any other law or rules made thereunder for the time being in force.

Power to remove difficulties.

10. (*1*) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this act, as may be necessary for removing the difficulty:

Provided that no order shall be made under this sub-section after the expiry of the two years from the appointed day.

(*2*) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

Power to make rules.

11. (*1*) The appropriate Government may, by notification in the Official Gazette, make rules for carrying out the purpose of this Act.

(*2*) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(*3*) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.

STATEMENT OF OBJECTS AND REASONS

The non-formal schooling and early childhood care is predominantly in private sector. The play schools have mushroomed all over the country, especially in urban areas. They are being governed by laws relating to Establishment of Shops of the concerned States. The early days of kids are spent in these schools as many parents are now putting their kids in these schools as early as one year of age. Foundation of mental and physical development of little children is laid in play schools. Play school now-a-days has become a big business opportunity. In the absence of any legislative check, complaints of parents and non-Governmental Organisations are not addressed by these schools. As play schools are laying foundation of a child's future, they should not be governed by any business Act but by an education Act.

The Bill, therefore, seeks to regulate the functioning of play schools in the country not only to ensure quality education and guidance in play schools, but also to protect the parents from unnecessary exploitation.

Hence this Bill.

NEW DELHI;
January 15, 2015.

MAHEISH GIRRI

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the appropriate Government shall, within its territorial jurisdiction, constitute Play Schools Education Authority to regulate the functioning of the play schools. The expenditure relating to the States shall be borne out of the Consolidated Funds of the respective States. However, the expenditure in respect of Union territories shall be borne out of the Consolidated Fund of India. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that sum of rupees one crore will be involved as recurring expenditure per annum from the Consolidated Fund of India.

A non-recurring expenditure to the tune of rupees ten lakh is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Authority to make regulations for regulating the minimum qualifications for recruitment and conditions of service of teachers of play schools. Clause 11 empowers the Central Government to make rules for carrying out the purposes of the Bill. The matters in respect of which rules and regulations may be made are matters of administrative details and procedure and, as such, the delegation of legislative powers is of a normal character.

BILL NO. 46 OF 2015

A Bill further to amend the Hindu Adoptions and Maintenance Act, 1956.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Hindu Adoptions and Maintenance (Amendment) Act, 2015.

Amendment of section 18.

2. In section 18 of the Hindu Adoptions and Maintenance Act, 1956, after sub-section (3), the following sub-section shall be inserted, namely:— 78 of 1956.

"(*4*) Notwithstanding anything in sub-section (1), where the husband is unable to provide maintenance to his Hindu wife on account of physical disability, mental disorder, disappearance or renunciation of the world by entering any religious order, the Hindu wife shall, except when the husband has received his share in the joint Hindu family property, be entitled to claim maintenance during her lifetime from the members of the Joint Hindu family.".

STATEMENT OF OBJECTS AND REASONS

The Law Commission in its recent report has recommended amendment in the Hindu Adoptions and Maintenance Act, 1956 with a view to providing that a Hindu wife shall be entitled to claim maintenance during her life time from members of the joint Hindu family of the husband in case of his disappearance or disability. While so recommending, it has been stated that there was sufficient basis in classical Hindu law to cast a legal obligation on the father-in-law to maintain the daughter-in-law when the husband of the latter is unable to do so. The Bill, therefore, keeping in view the recommendation of the Law Commission seeks to amend the Hindu Adoptions and Maintenance Act, 1956 providing for entitlement of maintenance of a Hindu wife from the members of joint Hindu family of the husband.

Hence this Bill.

NEW DELHI;
February 2, 2015.

C.R. PATIL

BILL NO. 73 OF 2015

A Bill to provide for a health insurance scheme for disabled persons and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Health Insurance Scheme for Disabled Persons Act, 2015.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(*b*) "beneficiary" means a disabled person who has been issued health insurance card under Section 4;

(*c*) "disabled person" means a person suffering from not less than forty per cent of any disability as certified by a medical authority and whose income from all sources is not more than ten thousand rupees per month;

(*d*) "disability" shall have the same meaning as assigned to it in clause (*i*) of section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995;

1 of 1996.

(*e*) "prescribed" means prescribed by rules made under the Act; and

(*f*) "scheme " means the Health Insurance Scheme framed under this Act.

Formulation of a Comprehensive Health Insurance Scheme.

3. *(1)* The Central Government shall formulate a Comprehensive Health Insurance Scheme for disabled persons.

(2) The Central Government shall pay the premium of insurance, payable by disabled persons, to the insurer for providing health services to the beneficiaries covered under the Health Insurance Scheme.

Health Insurance Card to be issued to all the disabled persons.

4. (*1*) The Central Government shall designate an Agency for issuing health insurance cards to disabled persons.

(*2*) The card issued under sub-section (*1*) shall contain such particulars of the beneficiary as may be prescribed.

Provision of free health facilities.

5. *(1)* Every beneficiary shall be entitled to health facilities free of cost from such hospitals, including privately owned hospitals, as may be specified by the appropriate Government from time to time.

(*2*) The free health facilities shall include:—

(*i*) consultation;

(*ii*) outpatient treatment;

(*iii*) diagnostic and laboratory services;

(*iv*) indoor treatment;

(*v*) surgery; and

(*vi*) medicines.

(*3*) No beneficiary shall be charged any amount for availing any healthcare facility mentioned in sub-section (*2*) by any hospital, including privately owned hospitals, specified under sub-section (*1*) by the appropriate Government.

Agreement with Nationalized Insurance Companies and private hospitals.

6. (*1*) The Central Government shall enter into an agreement with all Nationalized Insurance Companies for implementation of the provisions of this Act.

(*2*) The Nationalized Insurance Companies shall enter into agreement with privately owned hospitals to provide health services to the beneficiaries covered under the Health Insurance Scheme.

(*3*) The Nationalized Insurance Companies shall make payment to privately owned hospitals at such rates, as may be agreed upon by both the parties, for providing health services free of cost to the beneficiaries covered under Health Insurance Scheme.

Release of funds.

7. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide in each financial year such sums of money to the State Governments and Nationalized Insurance Companies as it thinks necessary for implementation of the provisions of this Act.

Surrender of Health Card.

8. If any beneficiary intends to surrender his health insurance card issued under section 4, he shall inform in writing to such Authority as may be designated for the purpose by the appropriate Government.

Inspection of hospitals.

9. (*1*) Any Nationalized Insurance Company which has entered into an agreement with private hospital under section 6, may either itself or through an agency designated in that behalf, inspect privately owned hospitals from time to time to ensure that provisions of this Act are complied with.

(*2*) If any private hospital does not comply with the provisions of this Act, the hospital shall be liable to pay such compensation, as may be prescribed in the agreement under section 6.

Power to make rules.

10. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) Every rule under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Persons born as disabled or becoming disabled after birth have to depend on others. Adequate healthcare facilities are not available to disabled people in our country. Disabled persons are not in a position to bear the cost of treatment in private hospitals, Government hospitals, medical colleges and medical institutions like Postgraduate Institute of Medical Education and Research, Chandigarh and All India Institute of Medical Sciences. The State Governments also are not providing adequate healthcare facilities to the disabled person. The cost of medical treatment alongwith medicines is out of reach for disabled persons. Every disabled person is forced to die after living a very tormented life due to lack of money for meeting the expenses of his medical treatment.

Therefore, it is proposed to provide adequate healthcare facilities to all disabled persons, free of cost. Private hospitals should also be made accountable for providing healthcare facilities to all disabled persons.

The Bill seeks to achieve the above objectives.

NEW DELHI;
February 3, 2015.

PANKAJ CHAUDHARY

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for formulation and implementation of a Comprehensive Health Insurance Scheme for disabled persons by the Central Government. Clause 5 provides for certain health facilities free of cost to disabled persons. Clause 7 provides for supply of funds to the State Governments and Nationalised Insurance Companies for the purposes of the Bill by the Central Government. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure to the tune of rupees five thousand crore is likely to be involved.

A non-recurring expenditure of about rupees five thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 51 OF 2015

A Bill to provide for prohibition on religious conversion by use of force, allurement or fraudulent means and for matters connected therewith.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Prohibition on Forced Religious Conversion Act, 2015.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "allurement" means offer of any temptation in the form of—

(*i*) any gift or gratification, either in cash or kind;

(*ii*) grant of any material benefit, either monetary or otherwise;

(*b*) "conversion" means renouncing one religion and adopting another religion;

(*c*) "force" includes a show of force or a threat of injury of any kind including a threat of divine displeasure or social excommunication;

(*d*) "fraudulent means" include misrepresentation or any other fraudulent contrivance;

(*e*) "minor" means a person who has not completed eighteen years of age; and

(*f*) "prescribed" means prescribed by rules made under this Act.

Prohibition of forced conversion.

3. No person shall convert or attempt to convert, or abet the conversion of, either directly or otherwise, any person from one religion to another by use of force, allurement or any fraudulent means.

Punishment.

4. (*1*) Whoever contravenes the provision of section 3 shall be punished with imprisonment for a term, which may extend to three years and also be liable to a fine, which may extend to rupees fifty thousand.

(*2*) Notwithstanding anything in sub-section (*1*), whoever contravenes the provisions of section 3 in respect of a minor, a woman or a person belonging to the Scheduled Caste or the Scheduled Tribe shall be punished with imprisonment for a term which may extend to five years and also be liable to a fine which may extend to rupees one lakh.

Prior permission to be taken from District Magistrate with respect to conversion.

5. (*1*) Whoever performs conversion by performing any ceremony as a religious priest or takes part, directly or indirectly, in such ceremony, shall give information regarding such conversion to the District Magistrate concerned in such form and within such period before performing of the ceremony, as may be prescribed.

(*2*) Whoever fails to comply with the provisions of sub-section (*1*) shall be punished with imprisonment for a term which may extend to one year or with fine which may extend to rupees twenty-five thousand or with both.

Prosecution to be made with the sanction of District Magistrate.

6. No prosecution for an offence under this Act shall be instituted except by or with the previous sanction of the District Magistrate or such other authority not below the rank of a Sub-Divisional Magistrate as may be authorised by him in that behalf.

Offence to be cognizable.

7. (*1*) An offence under this Act shall be cognizable.

(*2*) An offence under this Act shall be investigated by an officer not below the rank of an Inspector.

Act not to be in derogation of other laws.

8. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Power to make rules.

9. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

(*2*) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Following the tenets of a particular religion is a matter of personal faith and belief for an individual. Basically religious conversion itself causes hurt to faith and belief of an individual when it is done through allurement or force or mischief or by taking advantage of poverty of a person. Balance of society is disturbed when religious conversion is done through the means of force, fraud or allurement. Religious conversion performed through such means not only transgresses the freedom of religion available to every citizen, but also creates law and order problem.

Therefore, it is necessary to take steps to keep a check on religious conversions by force or fraudulent means.

Hence this Bill.

NEW DELHI;
February 5, 2015.

A.T. NANA PATIL

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MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill.

As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 50 OF 2015

A Bill to provide for payment of dearness allowance to all persons who are not being paid dearness allowance and whose annual income from all sources does not exceed rupees five lakh per annum and for matters connected therewith.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Universal Payment of Dearness Allowance Act, 2015.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*i*) "appropriate Government" means in the case of the State, the Government of that State and in all other cases, the Central Government;

(*ii*) "dearness allowance" refers to the dearness allowance being paid to the employees of Central Government;

(*iii*) "eligible person" means a person whose annual income from all sources does not exceed rupees five lakh but does not include a person—

(*a*) employed in connection with the affairs of the Central Government or a State Government including a person employed in a public sector establishment;

(*b*) employed in a private sector and entitled to dearness allowance by whatever name called;

(*c*) engaged in any business activity including self-employment; and

(*d*) who is practising medicine, law or accounts;

(*iv*) "Authority" means the National Authority constituted under section 4; and

(*v*) "prescribed" means prescribed by the rules made under this Act.

Payment of dearness allowance to eligible persons.

3. All eligible persons shall be paid such percentage of their monthly income as dearness allowance as is paid, from time to time, to the Central Government employees.

Constitution of National Authority.

4. *(1)* The Central Government shall, by notification in the Official Gazette, constitute an Authority to be known as the National Authority to deal with matters relating to payment of dearness allowance to eligible persons.

(2) The Authority shall consist of—

(i) a Chairperson; and

(ii) twenty other members having experience of more than twenty years in public sector in an administrative capacity.

(3) The Chairperson and every member of the Authority shall hold office for a term of five years.

(4) The headquarters of the Authority shall be at New Delhi.

(5) The Central Government shall make available to the Authority such number of officers and staff as may be required for efficient functioning of the Authority.

(6) The salary and allowances payable to and other terms and conditions of service of the Chairperson and members of the Authority shall be such as may be prescribed.

Functions of the Authority.

5. The Authority shall perform the following functions:—

(*i*) prescribe criteria for identification of eligible persons for payment of dearness allowance under this Act;

(*ii*) maintain a list of persons who are being paid dearness allowance under this Act;

(*iii*) lay down guidelines regarding receipt and disposal of complaints of eligible persons relating to or arising out of payment of dearness allowance;

(*iv*) liaison with various banks and other such institutions to ensure that dearness allowance is regularly deposited in the bank accounts of eligible persons;

(*v*) coordinate with appropriate Government for the purpose of regular updating of the list of eligible persons; and

(*vi*) perform such other functions, as may be assigned to it by the Central Government.

Authority to coordinate with District Administration.

6. (*1*) The Authority shall coordinate with each District Administration for the purpose of making such arrangements, as may be necessary, for payment of dearness allowance to eligible persons.

(*2*) Every District Administration shall provide such information and assistance, as may be necessary, to the National Authority, for discharging its functions.

Grant by the Central Government.

7. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide to the Authority by way of grants such sums of money as it may think fit for being utilized for the purposes of this Act.

Act to have overriding effect.

8. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force in relation to any of the matters provide under this Act.

Power to make rules.

9. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised to one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The economic disparity among rich and poor is continuously increasing in the country. Common man is facing hardship for survival due to continuous rise in prices of consumer goods. In the present scenario, except the Government employees and employees in certain private sector, all are suffering due to rise in prices of essential commodities. The Government pays dearness allowance to its employees to compensate for price rise twice in a year after taking into account rise in consumer price index. There are millions of farmers, labourers and small businessmen who are facing onslaught of inflation as they do not enjoy income security and are unable to meet their daily requirements.

Farmers are not able to ensure their livelihood even after toiling hard in the fields. The Government needs to provide necessary assistance to ensure sustainable livelihood to them. The citizens other than Government employees have to struggle to meet their need due to inflation as they do not get any support from the Government in the form of payment of dearness allowance as is being paid to Government employees. It is felt necessary that the Government should take steps to make provision of payment of dearness allowance to a substantial chunk of population in order to protect them from onslaught of inflation.

The Bill, therefore, seeks to provide for payment of dearness allowance to all persons who are not employed in Government establishment or private sectors and whose annual income from all sources does not exceed rupees five lakh per annum.

Hence this Bill.

NEW DELHI;
February 5, 2015.

A.T. NANA PATIL

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FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for payment of dearness allowance to eligible persons. Clause 4 provides for constitution of a National Authority to deal with matters relating to payment of dearness allowance to eligible persons. Clause 7 provides that the Central Government shall provide funds to the Authority for the purposes of the Act. The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees twenty-three thousand crore will be involved per annum.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 47 OF 2015

A Bill to provide for the constitution of a Council to be known as the Naxal Affected States Development Council to formulate and monitor implementation of development plans and schemes for balanced and all-round development of naxal affected States and for matters connected therewith.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title and commencement.

1. *(1)* This Act may be called the Naxal Affected States Development Council Act, 2015.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "Council" means the Naxal Affected States Development Council constituted under section 3;

(b) "naxal affected States" means the States of Bihar, West Bengal, Maharashtra, Madhya Pradesh, Chhattisgarh, Odisha, Andhra Pradesh and Jharkhand; and

(c) "prescribed" means prescribed by rules made under this Act.

Constitution of the Naxal Affected States Development Council.

3. *(1)* The Central Government shall, by notification in the Official Gazette, constitute a Council to be known as the Naxal Affected States Development Council.

(2) The Council shall consist of—

(i) the Chief Minister of each of the naxal affected States:

Provided that if there is no Council of Ministers in any naxal affected State, the President may nominate one person to represent such State in the Council for a period till the Council of Ministers is formed in that State;

(ii) Members representing the naxal affected States in the House of the People;

(iii) Leader of Opposition in the Legislative Assembly of each of the naxal affected States;

(iv) three persons having experience of not less than fifteen years in the field of social or economic planning to be nominated by the Central Government;

(v) two persons having not less than fifteen years of experience of handling and managing internal security; and

(vi) the Secretary of the Department of Home Affairs of each of the naxal affected States.

(3) The Chairperon of the Council shall be nominated by the President from amongst the Chief Ministers of the naxal affected States in such manner, as may be prescribed.

(4) The term of office of the Chairperson of the Council shall be two years:

Provided that where a vacancy is caused in the office of the Chairperson before the expiry of the period of two years due to issue of proclamation under article 356 of the Constitution or otherwise, the President may nominate Chief Minister of any other naxal affected State as Chairperson of the Council for the remaining period or for a period till the new Chief Minister assumes office in that State, whichever is earlier.

Headquarter and meetings of the Council.

4. *(1)* The head office of the Council shall be at Nagpur in the State of Maharashtra.

(2) The Council shall meet at least five times in a calendar year.

(3) The proceedings of every meeting of the Council shall be forwarded to the Central Government and also to Government of each of the naxal affected States.

Officers and staff of the Council.

5. *(1)* The Council shall have a secretarial staff consisting of a secretary, a planning advisor, a financial advisor, a security advisor and such other officers and employees as the Central Government may, by order, determine.

(2) The secretarial staff of the Council shall function under the direction, supervision and control of the Chairperson of the Council.

(3) The Central Government shall bear the administrative expenses of the Council including the salaries and allowances payable to the secretarial staff of the Council.

Functions of the Council.

6. *(1)* The Council shall function as a Planning body for balanced and all-round development of naxal affected States.

(2) It shall be the responsibility of the Council to formulate plans and schemes for ensuring peace and safety in the naxal affected States:

Provided that the Council may, if it considers necessary, formulate specific and time bound projects and schemes for areas having high naxal activity and also review, from time to time, the implementation of such projects and schemes.

(3) For securing the balanced development of the naxal affected States, the Council shall forward the following proposals for consideration to the Central Government and the Governments of naxal affected States:—

(i) augmenting security measures;

(ii) streamlining administration;

(iii) accelerating the industrial growth;

(iv) improving accessibility through railways or roads;

(v) providing communications and telecommunications facilities;

(vi) providing electricity, drinking water and housing in rural areas;

(vii) improving health services including multi speciality healthcare facilities;

(viii) providing educational facilities and gainful employment including vocational education to people; and

(ix) compensation and financial assistance to the victims of or to the dependants of persons killed or injured during naxalite or maoist violence and also providing Government jobs to such persons for their rehabilitation.

(4) For the purpose of clause *(iii)* of sub-section *(3),* the Council may recommend to the Central Government such concessions, including waiver of duty of excise, as it deems necessary, for a specific period to the industrial units in naxal affected States.

Central and State Governments to give due consideration to the proposals of the Council.

7. It shall be the duty of the Central Government and the Government of each of the naxal affected States to give due consideration to the proposals of the Council and apprise the Council of its views and decisions on such proposals.

Central Government to provide funds.

8. The Central Government shall, after due appropriation made by Parliament by law, from time to time, provide adequate funds to the Council for implementation of development plans and schemes formulated by the Council.

Power to make rules.

9. *(1)* The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The presence of naxals, maoists and anti-social elements is constantly on the rise in various parts of the country. In a number of States, there is complete disruption of administrative work due to naxal activities, who are waging war by using arms and ammunitions against the State. Almost all areas affected by naxal activity are covered with dense forests and are located far away from the main areas. All such areas are backward and poor. There is an urgent need to take effective steps to bring these socially, economically and educationally backward areas into the mainstream by taking steps for their development.

It may not be correct to consider the naxalite problem as purely a problem caused by social and economic backwardness. Naxalites are trying to impose their ideology on the people by taking advantage of the backwardness and inaccessibility of the areas in which they operate. Elected representatives of local bodies from the naxal affected areas are resigning their offices due to increasing terror of the naxalites. This is endangering democratic set up in these States. As per the reports, as many as 6687 violent incidents have occurred in the country during the last four years resulting in death of 1856 civilians and of hundreds of policemen and security personnel. Given the severity of the problem, there is an urgent need for socio-economic development of the areas besides making the administration more effective. The naxal affected States are rich not only in forests but also in precious minerals. Therefore, formulation and implementation of schemes for development of infrastructure, industries, education, health and supply of safe drinking water is the need of the hour.

The Bill proposes to constitute a Naxal Affected States Development Council to focus on all-round development of the naxal affected States. The constitution of such a council will go a long way in ensuring development of naxal affected States and as a result, the people living in naxal affected States will be free from fear and enjoy the fruits of social, economic and educational development.

Hence this Bill.

NEW DELHI;
February 5, 2015.

A.T. NANA PATIL

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constitution of the Naxal Affected States Development Council. Clause 4 provides that the Council shall have its headquarter at Nagpur and meet at least five times in a calendar year. Clause 5 provides that the Council shall have a Secretariat. It further provides that the Central Government shall bear the administrative expenditure including salaries and allowances of Secretariat staff of the Council. Clause 8 provides that the Central Government shall provide adequate funds to the Council for implementing the development plans and schemes. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees six hundred crore is likely to be involved as a recurring expenditure per annum.

A sum of rupees four hundred crore is also likely to be involved as non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules to be made relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 63 OF 2015

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 2015.

Amendment of article 24.

2. In article 24 of the Constitution, for the words "fourteen years", the words "eighteen years" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The problem of child labour has assumed alarming proportion in the country. One of the primary reasons for this being that the households are finding it difficult to sustain themselves in view of increasing poverty and unemployment and hence engaging children in various kinds of hazardous works to increase their income. The problem of child labour is also increasing as a result of increasing migration to urban areas due to little employment opportunities in rural areas. Even though Government has implemented a number of schemes to root out this problem, the problem is still persisting. Article 24 of the Constitution provides that no child below the age of fourteen years shall be employed in any factory or mine or engaged in any hazardous employment. Even under the Right of Children to Free and Compulsory Education Act, 2009, the provision for free education has been made for children upto fourteen years of age. Employers are using child labour not only to lower their cost of production but also to increase labour availability. This happens due to widely prevalent poverty, illiteracy and other forms of economic deprivation. Since the law forbids employment of children below fourteen years of age only, the factory owners can lawfully employ children, who are in their tender years, in occupations that require hard labour. This robs the childhood of small children and also makes them vulnerable to various forms of exploitation.

However, there are several other laws under which children have been defined as those who are eighteen years or below. In view of this, it is not justifiable to keep age limit at fourteen years for the purpose of their employment. The Bill, accordingly, seeks to amend article 24 of the Constitution with a view to increase the age limit for child labour to eighteen years. This will help protect childhood of our future generation from any kind of exploitation.

Hence this Bill.

NEW DELHI;
February 5, 2015.

A.T. NANA PATIL

BILL NO. 80 OF 2015

A Bill to provide for establishment of a Tourism Promotion Corporation of India to promote and develop tourism in the country and for matters connected therewith.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Tourism Promotion Corporation of India Act, 2015.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*i*) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(*ii*) "Director-General" means the Director-General of Tourism Promotion Corporation of India established under section 3;

(*iii*) "prescribed" means prescribed by rules made under this Act; and

(*iv*) "tourist centre" means a centre declared as a tourist centre by the appropriate Government.

Tourism Promotion Corporation of India.

3. *(1)* The Central Government shall, by notification in the Official Gazette, establish a Corporation to be known as the Tourism Promotion Corporation of India with its headquarters at New Delhi.

(2) The Corporation shall have its office in the capital city of each State and Union territory:

Provided that the Corporation may also set up its offices at any tourist centre or other places with the prior approval of the Central Government.

Corporation to be headed by Director-General.

4. (1) The Corporation shall be headed by a Director-General to be appointed by the Central Government in such manner as may be prescribed.

(2) Each office of the Corporation shall be headed by a Director who shall be appointed by the Central Government in such manner as may be prescribed.

(3) The Central Government shall provide such number of officers and other staff as may be required for efficient functioning of the Corporation and its offices.

(4) The salaries and allowances payable to and other terms and conditions of service of the Director-General, Directors and Officers and staff of the Corporation shall be such as may be prescribed.

Fund of the Corporation.

5. *(1)* The Corporation shall have a Fund with an initial corpus of rupees five thousand crore.

(2) The Central Government shall, from time to time, after due appropriation made by Parliament by law in this behalf, credit such sums to the Fund as may be necessary for carrying out the purposes of this Act.

(*3*) The Fund shall be administered by the Director-General or by any Director of the Corporation authorized by him in this behalf.

Functions of the Corporation.

6. The Corporation shall :—

(*i*) formulate a tourism policy in consultation with the State Governments;

(ii) give wide publicity to its policies and programmes through all means of communication including print and electronic media;

(*iii*) advise Central Government with regard to financial assistance to be provided to State Governments for creating/improving infrastructure at all tourist centres;

(iv) provide better connectivity to all places of tourist importance by way of creation of adequate infrastructure;

(v) set up tourist facilitation centres at all airports and railway stations with a view to facilitate travelling, boarding and lodging for the tourists including reservation in air services, trains, buses, hotels and motels;

(vi) conduct organised tours to different tourist centres;

(vii) set up hotels, restaurants and motels at all tourist centres with a view to catering to the needs of different categories of tourists;

(viii) prepare a list of paying-guest accommodation available at places having inadequate hotel or motel accommodation;

(ix) make arrangements for provision of adequate paying-guest accommodation for tourists at tourist centres having no hotels run by the Corporation;

(x) organise cultural functions in cooperation with the appropriate Government and other organisations concerned at various tourist places at regular intervals with a view to creating awareness among the general public and foreign tourists about the Indian culture and tradition;

(xi) organise cultural functions in various countries in co-ordination with Indian Embassies/High Commissions in those countries with a view to depicting Indian culture and tradition;

(*xii*) send experts in the fields of art, music and such other activities as it may deem fit, to various countries for participating in programmes aimed at depicting Indian culture;

(*xiii*) impart training to tourist guides and tour operators regarding historical background of tourist centres and courtesies to be extended to tourists, especially foreign tourists;

(*xiv*) set up health resorts based on Indian system of medicine at various tourist places in consultation with the appropriate Government;

(*xv*) make necessary arrangements for security of foreign tourists at various tourist centres in consultation with the appropriate Government; and

(*xvi*) coordinate with the Archaeological Survey of India with a view to preserving and promoting monuments declared as of national importance.

Act not to be in derogation of other laws.

7. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force, dealing with any of the matters dealt within this Act.

Power to make rules.

8. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

India is a large country having vast tourism potential. However, it has not been exploited fully to the advantage of the country. Every year, close to 20 million foreign tourists visit our country from all over the world, while the volume of domestic tourists is about 740 million.

It is a known fact that the foreign tourists face hardship and suffer unpleasant experiences while they travel in our country. They get cheated by middlemen, touts and others for arranging reservations for journey, hotels, etc. Many of them carry a bad impression about our country on their return. As a result, prospective tourists are discouraged from visiting our country. Consequently there is a heavy loss of foreign exchange to the country.

India is a vast country having different cultures and traditions and various languages. People of one region are not aware of culture and tradition of people belonging to the other regions. As such they face a lot of difficulties while visiting important tourist places. Moreover, the tourist centres in many places require adequate facilities and the States are not in a position to spend the money. Security to foreign tourists also has to be taken into consideration. Therefore, it is proposed to establish a Tourism Promotion Corporation of India with a view to promote tourism in the country and attract foreign tourists in large numbers. It is also proposed to provide that the Corporation shall function with a professional approach in order to promote tourism.

Hence this Bill.

NEW DELHI; NISHIKANT DUBEY
February 2, 2015.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the Central Government shall establish up a Corporation to be known as the Tourism Promotion Corporation of India with its headquarters at New Delhi and an office in each State and Union territory. Clause 4 provides that the Corporation shall consist of a Director-General, a number of Directors and Officers. Clause 5 provides for constitution of a Fund with an initial corpus of rupees five thousand crore and it also provides for supply of adequate funds by the Central Government from time to time for carrying out the purposes of this Act. Clause 6 provides that the Corporation shall perform various functions such as providing connectivity to tourist places, giving publicity to its policies and programmes, setting up of hotels, motels and restaurants, organizing functions in the country and abroad to promote Indian culture, conduct tours and training for tourist guides, etc. to augment infrastructural and other facilities for tourists in all tourist places. The Bill, therefore, if enacted, is likely to involve expenditure from the Consolidated Fund of India. It is likely to involve an annual recurring expenditure of rupees one thousand crore from the Consolidated Fund of India.

A non-recurring expenditure of rupees five thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 55 OF 2015

A Bill to provide for proper handling and disposal of household waste by prescribing norms and fixing duties on citizens with regard to maintenance of public cleanliness and for matters connected herewith and incidental thereto.

WHEREAS decisions were taken at the United Nations Conference on the Human Environment held at Stockholm in June, 1972, in which India participated, to take appropriate steps for the protection and improvement of human environment;

AND WHEREAS it is considered necessary further to implement the decisions of aforesaid in so far as they relate to the protection and improvement of environment and the prevention of hazards to human beings, other living creatures, plants and property;

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Maintenance of Public Cleanliness and Waste Management Act, 2015.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(*b*) "disposal" means disposal of household waste according to prescribed norms to prevent contamination of the environment and harmful effect on human health;

(*c*) "municipal authority" means Municipal Corporation, Municipality, Nagar Palika, Nagar Nigam, Nagar Panchayat, Municipal Council including Notified Area Committee (NAC) or any other local body constituted under the relevant statutes and, where the management and handling of municipal solid waste is entrusted to such agency;

(*d*) "prescribed" means prescribed by rules made under this Act;

(*e*) "school" means a school run by the Central Government or a State Government or a local authority or by an authority designated or sponsored by the appropriate Government and includes Government aided school and recognised aided and unaided private school; and

(*f*) "segregate" means to separate household waste into organic, inorganic, recyclables and hazardous wastes.

Prohibition on littering.

3. No person shall throw or dispose of any household waste in public place or on the property of any other person, except in the dustbins or waste collection points demarcated by the municipal authority.

Duties of citizens.

4. It shall be the duty of every citizen—

(*i*) to ensure cleanliness in his home and surrounding areas;

(*ii*) to segregate household waste;

(*iii*) to participate in the routine community cleanliness drives organised by the municipal authorities; and

(*iv*) to undertake such other tasks as may be prescribed.

Schools to promote household waste management and public cleanliness among students.

5. *(1)* The appropriate Government shall include a course on waste management as a compulsory part of the school curriculum.

(2) Every school shall organize cleanliness drives at prescribed intervals to promote household waste management and public cleanliness among students.

Responsibilities of the municipal authorities.

6. The municipal authority shall—

(i) ensure collection of segregated waste from households for further treatment and disposal;

(*ii*) notify sites demarcated as collection points;

(iii) conduct educational and informational activities relating to cleanliness at such interval for the local residents, as may be prescribed; and

(iv) organise cleanliness drives from time to time to promote cleanliness among citizens.

Penalty.

7. Whoever violates the provisions of this Act shall be punished with imprisonment for a term which may extend to six months and fine which may extend to five thousand rupees.

Central Government to provide requisite sums.

8. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite sums to the State Governments for carrying out the purposes of this Act.

Power to remove difficulties.

9. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of the period of three years from the date of commencement of this Act.

Act to have overriding effect.

10. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force relating to maintenance of public cleanliness and waste management or in any instrument having effect by virtue of any law other than this Act.

Act not in derogation of any other law.

11. The provisions of this Act shall be in addition to and not in derogation of any other law, for the time being in force.

Power to make rules.

12. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

(*2*) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Mahatma Gandhi, the father of our nation had once said, "Cleanliness is next to Godliness". While the concept of personal hygiene and keeping one's home is greatly emphasized, cleanliness in the public sphere is often found to be lacking. Recently, the Swachh Bharat Abhiyan has been launched, with a focus on community participation, in order to fulfil Mahatma Gandhi's vision of a clean India. The Bill aims to provide a legislative impetus to the ambitious campaign by clearly outlining the roles and responsibilities of the Government, municipal authorities and the citizens so that the nation can collectively work towards achieving the objective of a clean India.

Hence, this Bill.

NEW DELHI;
February 6, 2015.

KIRIT PREMJIBHAI SOLANKI

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for introducing a course on waste management as a compulsory part of the school curriculum. Clause 6 provides for certain steps to be initiated by municipal authorities for promotion of public cleanliness. Clause 8 provides that the Central Government shall provide adequate funds to the State Governments for carrying out the purposes of the Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees five hundred crore will be incurred per annum.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to make rules for carrying out the purpose of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 54 OF 2015

A Bill to provide for decent working conditions for, and regulation of terms of service of, domestic workers and for matters connected therewith.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title, extent, commencement and application.

1. (*1*) This Act may be called the Domestic Workers (Decent Working Conditions) Act, 2015.

(*2*) It extends to the whole of India except the State of Jammu and Kashmir.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

(*4*) It shall apply to every person employing one or more domestic workers.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "child" means a boy or a girl who has not completed the age of eighteen years;

(*b*) "domestic work" means work performed in or for a household and includes cooking, house-cleaning and attending to any other job connected with household chores;

(*c*) "domestic worker" means a person employed in a household for domestic work; and

(*d*) "employer" means a person who has employed a domestic worker in his household either directly or through any agency.

Application of the provisions of the Industrial Disputes Act, 1947.

14 of 1947.

3. (*1*) The provisions of the Industrial Disputes Act, 1947, as in force for the time being, shall, so far as applicable and subject to the modification specified in sub-section (2), apply to, or in relation to domestic workers as they apply to, or in relation to workmen within the meaning of that Act.

(*2*) Section 25F of the aforesaid Act, in its application to domestic workers shall be construed as if in clause (a) thereof, for period of notice referred to therein in relation to the retrenchment of a workman, the following periods of notice in relation to the retrenchment of a worker had been substituted, namely:—

(*a*) three months in case of domestic workers who have been in continuous service for a period of not less than two years; and

(*b*) two months in case of other domestic workers.

Agreement as to terms and conditions of service of domestic workers.

4. (*1*) Every employer shall enter into an agreement relating to terms and conditions of employment with the domestic worker.

(*2*) The agreement of terms and conditions of employment of a domestic worker shall include,—

(*a*) the name and address of the employer and of the domestic worker;

(*b*) the address of the usual workplace or workplaces;

(*c*) the duration of the contract of employment;

(*d*) the nature of work to be performed;

(*e*) the remuneration, method of calculation and periodicity of payment of wages;

(*f*) the normal hours of work;

(*g*) paid annual leave and daily and weekly rest periods;

(*h*) the provision of food and accommodation, if applicable;

(*i*) the period of probation or trial period, if applicable;

(*j*) the terms of repatriation, if applicable; and

(*k*) such other terms and conditions relating to the termination of employment, including any period of notice either by the domestic worker or the employer.

Payment of gratuity to domestic workers.

5. Where any worker has been in continuous service, whether before or after the commencement of this Act, for not less than one year, and—

(*i*) his services are terminated by the employer for any reason whatsoever, or

(*ii*) he voluntarily resigns from service, or

(*iii*) he dies while in service,

the worker or, in the case of his death, his nominee or if there is no nomination in force at the time of the death of the worker, his heirs, as the case may be, shall without prejudice to any benefits or rights accruing under the Industrial Disputes Act, 1947, be paid, on such termination, resignation or death, by the employer gratuity which shall be equivalent to fifteen days' average pay for every completed year of service or any part thereof in excess of six months. 14 of 1947.

Fixation of wages by the Government.

6. (*1*) The Central Government may, in consultation with the representatives of the domestic workers from amongst the unions or associations of the domestic workers, by order,—

(*a*) fix rates of wages in respect of domestic workers; and

(*b*) revise, from time to time, at such intervals as it may think fit, the rates of wages fixed under this section.

(*2*) The rates of wages may be fixed or revised by the Central Government in respect of domestic workers working on time work basis or on piece work basis.

Right to wages.

7. Every domestic worker shall be entitled to be paid by his employer wages at the rates which shall in no case be less than the rates of wages specified in the order referred to in section 6.

Regulation of work hours.

8. (*1*) No domestic worker shall, except the time taken for meals and leisures, be required to work for more than —

(*i*) eight hours in a day;

(*ii*) forty-eight hours in a week; and

(*iii*) five consecutive hours in a day.

(*2*) Every domestic worker shall be entitled to—

(*i*) half-an-hour of rest every five hours of consecutive work;

(*ii*) one holiday per week; and

(*iii*) holidays on such occasions, as may be specified by the Central Government.

Wages for overtime work.

9. Notwithstanding anything in section 8, a domestic worker may, owing to reasonable requirements in a household, agree to work for more than forty-eight hours in a week, and, in such a case, he shall be paid such overtime, being not less than twice the normal wage rate, as may be prescribed by rules made under this Act.

Leave entitlement.

10. Every domestic worker, who has put in a service for a period of not less than six months, shall be entitled every year to the following leave, namely:—

Casual Leave — 12 days;

Sick Leave — 21 days;

Earned Leave — 1/11th of the number of days spent on duty.

Prohibition of employment of child as domestic workers.

11. No employer shall employ a child as a domestic worker or for any such incidental or ancillary work which is prohibited under any law for the time being in force.

Appointment of Inspectors.

12. *(1)* The State Governments or the Union territory Administrations, as the case may be, may, by notification in the Official Gazette, appoint such persons as they think fit to be Inspectors for the purpose of this Act and may define the local limits within which they shall exercise their powers.

(*2*) Every Inspector shall be deemed to be a public servant within the meaning of the Indian Penal Code, 1860. 45 of 1860.

Powers of Inspectors.

13. An Inspector may,—

(*a*) require any person to produce any register, muster-roll or other documents relating to the employment of domestic workers by him and examine such documents; and

(*b*) take, on the spot or otherwise, the evidence of any person for the purpose of ascertaining whether the provisions of this Act are complied with.

Penalty.

14. If any employer contravenes the provisions of this Act, he shall be punished with imprisonment which may extend to one year and fine which may extend to ten thousand rupees.

Provisions to be in addition to and not in derogation of any other Act.

15. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Power to make rules.

16. (*1*) The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

In a developing country like India, with a large informal employment sector, domestic workers constitute a significant proportion of the national workforce and remain the most marginalized. Domestic work continues to be undervalued and invisible and is mainly carried out by women and girls, majority of whom are migrants or members of disadvantaged communities and are particularly vulnerable to discrimination in respect of conditions of employment and work and to other abuses of human rights.

Domestic worker organizations all over the country have been advocating for better service conditions. Therefore, a comprehensive legislation for the promotion of decent working conditions and protection of the rights of domestic workers is necessary.

Hence, this Bill.

NEW DELHI;
February 6, 2015.

KIRIT PREMJIBHAI SOLANKI

FINANCIAL MEMORANDUM

Clause 12 of the Bill provides that the State Governments or the Union territory Administrations, as the case may be, may appoint such persons as they think fit to be inspectors for the purposes of this Act. The expenditure relating to States shall be borne out of the Consolidated Funds of the respective States. However, the Central Government may also have to provide some financial assistance to the States for this purpose. Also, the expenditure in respect of Union territories shall be borne out of the Consolidated Fund of India. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees fifty lakh will be involved as recurring expenditure per annum from Consolidated Fund of India.

A non-recurring expenditure of rupees one crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 16 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 61 OF 2015

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2015. Short title.

2. After article 371C of the Constitution, the following article shall be inserted, namely:— Insertional of new artical 371CA.

"371CA. Notwithstanding anything in this Constitution, the provisions of article 3 shall not apply in relation to the State of Manipur.". Provision for preserving territorial integrity of the State of Manipur.

STATEMENT OF OBJECTS AND REASONS

Manipur has been recognised as a political entity having a geographical boundary, a demographic identity and a long glorious history and tradition.

Manipur had a long history of monarchy which is more than two thousand years old. Since the coronation of King Pakhangba in circa 36AD, it had been a stable monarchy hardly interfered by any outside force or invader. In its long history of existence, Manipur was occupied only twice by the external forces. First, during Burmese invasion (1819-1825) and later by the British (1891-1947). After that, Manipur remained an independent princely State from the year 1947 to 1949, when it merged with the Union of India. The merger agreement was signed between the Government of India and the then Maharaja of Manipur on 21st September, 1949, which came into force *w.e.f.* 15th October, 1949. Thus, the territorial area of Manipur which existed at the time of merger must be respected, made sacrosanct and preserved.

In ancient times, the land of Manipur was inhabited by few ethnic groups. However, in course of time, the demographic complexion has changed and now the population of Manipur comprises of various communities and ethnic groups. Barring some sporadic instances of feuds and clashes between the communities and ethnic groups, the spirit of peaceful co-existence still exists among the people of Manipur. The fact remains that Manipur belongs to the people of Manipur. The political entity and unity of Manipur must be protected and safeguarded in the interest of the people of Manipur.

For about three years from 1947 to 1949, the princely State of Manipur remained a buffer-state between India and Burma (Myanmar). Ultimately, Manipur joined the Union of India on 15th October, 1949 and at that time the geographical area of Manipur was about 22,327 sq. km. The sanctity of this geographical area of Manipur which existed at the time of merger with the Union of India must be given a Constitutional protection and safeguard. Moreover, a series of resolutions have been adopted by the Manipur Legislative Assembly for protection of the territorial integrity of Manipur, the latest being the one adopted on June 12, 2002.

Hence this Bill.

NEW DELHI; THOKCHOM MEINYA

February 6, 2015.

BILL NO. 79 OF 2015

A Bill to provide for special financial assistance to the State of Bihar for the purpose of promoting the welfare of Scheduled Castes, Scheduled Tribes and Other Backward Sections of people and for the development, exploitation and proper utilization of its resources.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Special Financial Assistance to the State of Bihar Act, 2015.

(*2*) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Special financial assistance to the State of Bihar.

2. There shall be paid such sums of moneys out of the Consolidated Fund of India, every year, as Parliament may by due appropriation provide, as special financial assistance to the State of Bihar to meet the costs of such schemes of development, as may be undertaken by the State with the approval of the Government of India for the purpose of promoting the welfare of Scheduled Castes, Scheduled Tribes and Other Backward Sections of people or for the development, proper utilization and exploitation of the resources in the State.

Act not in derogation of other laws.

3. The provisions of this Act shall be in addition to and not in derogation of any other law to be made by Parliament or for the time being in force.

STATEMENT OF OBJECTS AND REASONS

The State of Bihar is socially and economically backward. The low pace of development in the State has resulted in the impoverishment of the State and its people. The development of Bihar is the need not only of that State but of the entire country as a whole.

The development of the State can be ensured only with the active involvement of the Central Government. For this, it is necessary that the Central Government provides special financial assistance to the State for its all round development including the welfare of weaker sections and for the development and exploitation of its vast resources. Such a step would go a long way in building our nation more and more strong.

Hence this Bill.

NEW DELHI;
February 9, 2015.

OM PRAKASH YADAV

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that there shall be paid such sums of moneys out of the Consolidated Fund of India, every year, as Parliament may by due appropriation provide, as special financial assistance to the State of Bihar to meet the costs of such schemes of development, as may be undertaken by the State with the approval of the Government of India.

The Bill, therefore, on enactment, will involve expenditure out of the Consolidated Fund of India for providing special financial assistance to the State of Bihar. As the sums of moneys which will be given to the State of Bihar as special financial assistance by appropriation by law made by Parliament will be known only after the welfare schemes to be implemented by the State Government with the approval of Government of India are identified, it is not possible to give the estimates of recurring expenditure, which would be involved out of the Consolidated Fund of India at this stage.

No non-recurring expenditure is likely to be incurred from the Consolidated Fund of India.

BILL NO. 49 OF 2015

A Bill to provide for recognition of palliative care as an integral part of health care system of the country; education and training in palliative care in medical colleges and institutions; treatment facilities in hospitals and for matters connected therewith.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Palliative Care (Education and Training) Act, 2015.

(*2*) It shall come into force on such date, not being later than three months from the date of assent, as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "palliative care" means care given with the intention of improving the quality of life of persons with a terminal illness by—

(*i*) treatment which controls and relieves pain, distress, discomfort or other symptoms caused by, related to or coincidental with terminal illness; and

(*ii*) psychological, social and spiritual help and support;

(*b*) "prescribed" means prescribed by rules made under this Act; and

(*c*) "terminal illness" means an illness, disease or condition which,—

(*i*) is inevitably progressive and fatal, and

(*ii*) cannot be reversed by treatment.

Central Government to recognize palliative care.

3. (*1*) On and from the date of commencement of this Act, the Central Government shall take all necessary steps to recognize palliative care as an integral part of the health care system.

(*2*) For the purposes of sub-section (*1*), the Central Government may direct the Indian Medical Council to take such steps, as may be necessary, for comprehensive study in palliative care and to make palliative care an integral part of health care system and medical education in the country.

Formulation of a policy for palliative care.

4. The Central Government, in consultation with the State Governments, shall formulate a policy for palliative care with a view to create awareness about palliative care and to encourage the non-governmental organizations working in the field of palliative care.

Medical colleges to impart teaching and training in palliative care.

5. Every medical college or institution imparting medical education or training shall, within a period of two years from the date of commencement of this Act, provide teaching and training of palliative care in such manner as may be prescribed.

Hospitals to provide palliative care.

6. *(1)* Every medical institution or hospital established and run by the Central Government or a Union territory Administration shall, within a period of two years from the date of commencement of this Act, provide palliative care to persons with terminal illness.

(*2*) The State Governments shall be informed of the palliative care to be provided to persons with terminal illness in hospitals under clause (*1*) so that they may also provide for it in the hospitals being run by them.

Power to make rules.

7. (*1*) The Central Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

(*2*) Every rule made under this section shall be laid as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Palliative care which is aimed at reducing or relieving the pain suffered by the terminally ill patients is not recognized or considered in India as an integral part of our medical system. The palliative care coverage at national level is less than three percent while in the State of Kerala it varies between thirty to seventy percent in various districts. The State has also formulated a policy on palliative care. In a modern society, it is necessary that this system finds its place as an integral part of our medical system with facilities to teach and train the people. It is also necessary that the medical colleges provide facilities for teaching and training in palliative care.

Palliative care is a combination of medical treatment with humane attitude, friendly environment, love and affection for patients who are terminally ill with no possibility of cure. Such patients could be provided with conditions where they could be relieved of pain. If all these are put together, such patients would at least be able to live their last days peacefully.

A civilized society is expected to have this attitude towards those persons who are afflicted by diseases which have no cure. To provide succour to such persons, it is necessary that the Government should recognize palliative care as an integral part of our health care system.

The Bill aims at creating educational and training facilities and institutional mechanism to give a push to palliative care with the provision of assistance to the non-governmental organizations working at grass root level with the help of Government institutions.

The Bill seeks to achieve these objectives.

NEW DELHI;
February 9, 2015.

OM PRAKASH YADAV

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides that every medical college or any other institution imparting medical education or training shall provide teaching and training of palliative care. Clause 6 provides that every hospital or nursing home under the Central Government or the Union territory Administration shall provide palliative care for terminally ill persons. While the expenditure relating to medical institutions under State Governments will be met out of the consolidated funds of the respective States, the expenditure relating to medical institutions under the Union territory Administration and the Central Government, shall be met out of the Consolidated Fund of India. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a non-recurring expenditure of rupees one hundred crore will be involved.

A recurring expenditure of rupees five crore is also likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 52 OF 2015

A Bill to provide for clearance of Jhuggi-Jhopri clusters and slum areas and for matters connected therewith.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Slums and Jhuggi-Jhopri Areas Clearance Act, 2015.

(*2*) It extends to Union territories only.

(*3*) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "building" includes any structure or erection or any part of a building but does not include a plant or machinery comprised in a building;

(*b*) "competent authority" means such officer or authority as the Central Government may, by notification in the Official Gazette, appoint as the competent authority for the purpose of this Act;

(*c*) "jhuggi-jhopri" means a small roughly built house or shelter usually made of mud, wood or metal having thatched or tin sheet roof covering;

(*d*) "prescribed" means prescribed by rules made under this Act;

(*e*) "slum" means an area consisting of jhuggi-jhopri clusters, badly built and over-crowded houses and buildings; and

(*f*) "slum clearance" means the clearance of any slum area by demolition and removal of buildings therefrom.

Competent authority to declare slum areas.

3. The competent authority may, from time to time by notification in the Official Gazette, declare any area to be a slum area within the meaning of this Act.

Competent authority to give adequate notice to inhabitants of slums and jhuggi-jhopri clusters.

4. The competent authority shall give adequate notice to inhabitants of slums and jhuggi-jhopri clusters before demolition of such clusters.

Alternate accommodation to residents of slum clearance areas.

5. *(1)* All the residents of slum clearance areas shall be evacuated and accommodated at convenient locations till alternate houses are built by the Central Government.

(2) The houses built under sub-section *(1)* shall have all necessary basic facilities.

Removal of jhuggi-jhopri areas.

6. As soon as may be after competent authority has declared any slum area to be a clearance area, the Central Government shall cause such slum area to be cleared of all jhuggi-jhopri clusters and other buildings.

Ban on setting up of jhuggi-jhopri areas.

7. On and from the date of commencement of the Act, no person shall be allowed to set up any jhuggi-jhopri in any area.

Power to make rules.

8. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purpose of this Act.

(*2*) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Crores of people in our country are at present living in slums and jhuggi-jhopri clusters under inhuman conditions. There are no basic facilities of potable water, electricity, sanitation and health services in these areas. However, people have no other option but to live in such slums and jhuggi-jhopri clusters. The problem is more appalling in Metropolitan cities and other big cities where people migrate in large numbers in search of employment. Poverty forces them to find shelter in slums and jhuggi-jhopri clusters.

It is duty of the Government to provide alternate houses with basic facilities to persons who are living in slum areas. The Government should also see that slum areas do not come up and those which are already there should be cleared.

The Bill seeks to achieve the above objective.

NEW DELHI;
February 9, 2015.

OM PRAKASH YADAV

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides that the Central Government shall provide alternate houses with all basic facilities to those who are living in slum areas. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of rupees one thousand five hundred crore will be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees four hundred crore is also likely be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 62 OF 2015

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 2015.

Insertion of new article 279A.

2. After article 279 of the Constitution, the following new article shall be inserted, namely:—

Adequate funds to States for carrying out Central schemes.

"279A. Notwithstanding anything in this Chapter, for all schemes announced by the Union Government for delivery of public services to the poor and for improvement of infrastructure, the State Governments shall formulate provisions for meeting the specified objectives of such schemes and the Union Government shall guarantee to the States access to adequate funds required for the implementation of the schemes.".

STATEMENT OF OBJECTS AND REASONS

At present most financial powers and planning responsibility covering all States of the country is that of the Central Government. The erstwhile Planning Commission was responsible for approving State plans and deciding on actual flow of central plan assistance to different States from year to year. The present system, with multiple party coalitions in power in different States, has become totally outdated. There is urgent need to transfer more financial powers and higher responsibility to States in the conception as well as implementation of developmental programmes. At present, all schemes for delivery of public services and for improvement in infrastructure are announced by the Centre, but their implementation is the responsibility of States. The Centre decides who will get what, and when, and under what conditions, but implementation is the responsibility of the States. For example, the Sarva Shiksha Abhiyan, Rajiv Gandhi Drinking Water Mission, National Rural Health Mission, Mahatma Gandhi National Rural Employment Guarantee Scheme, etc. are all centrally sponsored schemes, but the responsibility for their implementation is that of the State Governments. The Central Government blames the States for all failure and takes credit for all successes. On the other hand, the States blame the Centre for impractical rules and inadequate allocation of funds.

Therefore, it is essential to devolve powers on the States, to formulate provisions of the schemes to meet the specified objectives with guaranteed access to adequate funds.

The Bill seeks to achieve the above objectives.

NEW DELHI;
February 9, 2015.

OM PRAKASH YADAV

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for provision of adequate funds to State Governments for implementation of schemes announced by the Central Government. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India for ongoing schemes of the Central Government. The expenditure involved in the future schemes will be determined as per the parameters set for those schemes and the plans made by the respective State Governments for meeting the objectives of the particular schemes. It is estimated that at present a recurring expenditure of rupees ten thousand crore per annum will be involved.

No non-recurring expenditure is likely to be involved.

BILL NO. 70 OF 2015

A Bill further to amend the Constitution (Scheduled Tribes) Order, 1950

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Constitution (Scheduled Tribes) Order (Amendment) Act, 2015.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of the Schedule.

C.O. 22 of 1950

2. In the Schedule to the Constitution (Scheduled Tribes) Order, 1950,—

(*i*) in Part VI.—*Karnataka,* after entry 38, the following entry shall be inserted, namely:—

"38A. Narasanna"; and

(*ii*) in Part VII.—*Kerala,* after entry 29, the following entry shall be inserted, namely:—

"29A. Narasanna".

STATEMENT OF OBJECTS AND REASONS

The term Scheduled Tribes first appeared in the Constitution of India. Article 366 defines scheduled tribes as "such tribes or tribal communities or parts of or groups within such tribes or tribal communities as are deemed under article 342 to be Scheduled Tribes for the purposes of this Constitution".

In pursuance of article 342 of the Constitution, the list of Scheduled Tribes of various States was first notified in 1950 and since then the list has been modified from time to time. However, there are certain tribes in the States of Karnataka and Kerala which have not yet been included in the list of Scheduled Tribes, in respect of these States. The 'Narasanna' community living in border areas of State of Kerala and Karnataka is one of such tribes.

The 'Narasanna' community is a socially and economically backward community spread across the borders of the State of Kerala and Karnataka. 'Narasanna' being a tribal community requires the intervention of the State for including them in the list of the Scheduled Tribes to enable them to avail the existing financial and other benefits occurring to the listed tribal communities.

The Bill seeks to achieve the above objectives by amending the Schedule to the Constitution (Scheduled Tribes) Order, 1950, in respect of the States of Karnataka and Kerala.

NEW DELHI;
February 9, 2015.

P. KARUNAKARAN

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to include Narasanna tribe in the list of Scheduled Tribes in respect of the States of Karnataka and Kerala, respectively. The Bill, therefore, if enacted, would involve additional recurring and non-recurring expenditure from the Consolidated Fund of India on account of benefits to be provided to the persons belonging to these tribes under the ongoing Central Schemes meant for development of the Scheduled Tribes.

At this stage, it is not possible to give the exact amount to be incurred on this account. However, it is expected that a recurring expenditure of about rupees five hundred crore will be involved annually.

No non-recurring expenditure is likely to be involved.

BILL NO. 56 OF 2015

A Bill to provide for certain welfare measures for tailoring workers and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Tailoring Workers (Welfare) Act, 2015.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definition.

2. In this Act, unless the context otherwise requires,—

(*a*) "Fund" means the Tailoring Workers Welfare Fund constituted under section 3 of this Act;

(*b*) "prescribed" means prescribed by rules made under this Act; and

(*c*) "tailoring workers" means any person engaged in any activity connected with cutting and stitching of clothes, embroidery and includes self-employed or persons working on salary or commission or on contract basis.

Constitution of Tailoring Workers Welfare Fund.

3. *(1)* The Central Government shall constitute a fund to be known as the Tailoring Workers Welfare Fund for the welfare of tailoring workers in the country.

(2) The Central Government and every State Government shall contribute to the Fund in such ratio as may be prescribed.

(*3*) The owners of textile mills and showrooms where readymade garments are sold and exporters of readymade garments shall also contribute to the Fund in such ratio as may be prescribed.

Administration of Tailoring Workers Welfare Fund.

4. The Fund shall be administered by a Committee consisting of:—

(i) a Chairperson who shall be appointed by the Central Government;

(ii) one member to represent the Central Government who shall be designated as the Member-Secretary;

(iii) two representatives representing the tailoring workers; and

(iv) one representative each from all States and Union territories who shall be nominated by the respective State Government and Union territory Administration.

Utilisation of Fund.

5. The Fund shall be used for—

(*i*) payment of unemployment subsistence allowance to tailoring workers during off season period;

(*ii*) providing free health facilities to the tailoring workers and their families;

(*iii*) providing free educational facilities to the children of the tailoring workers;

(*iv*) payment of compensation to tailoring workers who are injured during the course of their work;

(*v*) payment of compensation to the next of the kin of tailoring workers who die in harness;

(*vi*) payment of disability allowance to tailoring workers who are injured during the course of the work and are not able to work;

(*vii*) payment of old age pension to those tailoring workers who have attained the age of sixty years or above ; and

(*viii*) payment of family pension.

Power to make rules.

6. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Lakhs of workers are engaged in the work related to embroidery, cutting and stitching of clothes throughout the country but they are not covered under any labour law. Many of them are self employed or working in the commercial establishments and also in textile industry. Their living condition is extremely bad. The nature of their work is such that they are prone to severe ailments such as tuberculosis, etc. In case of ill health or old age, there is no social security provision for them. It is therefore, necessary to give social security to tailoring workers and their dependents.

NEW DELHI;
February 9, 2015.

P. KARUNAKARAN

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of the Tailoring Workers Welfare Fund for the welfare of tailoring workers in the country. It further provides that Central Government shall also contribute to the Fund. Clause 4 provides for the constitution of a Committee for administration of the Fund. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees one hundred crore per annum.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative powers is of a normal character.

BILL NO. 48 OF 2015

A Bill to provide for special financial assistance to the State of Jharkhand for the purpose of promoting the welfare of the Scheduled Castes, the Scheduled Tribes and Other Backward Classes of citizens and for the development, exploitation and proper utilization of its resources.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Special Financial Assistance to the State of Jharkhand Act, 2015.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Special financial assistance to the State of Jharkhand.

2. There shall be paid such sums of moneys out of the Consolidated Fund of India, every year, as Parliament may by due appropriation provide, as special financial assistance to the State of Jharkhand to meet the costs of such schemes of development, as may be undertaken by the State with the approval of the Union Government for the purpose of promoting the welfare of the Scheduled Castes, the Scheduled Tribes and Other Backward Classes of citizens and for the development, proper utilization and exploitation of the resources in the State.

Act not in derogation of any other law.

3. The provisions of this Act shall be in addition to and not in derogation of any other law to be made by Parliament or for the time being in force.

STATEMENT OF OBJECTS AND REASONS

The State of Jharkhand is socially and economically backward. The problems of poverty, unemployment and illiteracy are required to be addressed urgently and in a time-bound manner. Besides measures for proper utilization of resources, welfare of weaker sections in the region and initiating new development schemes are required to be undertaken in an expeditious and time-bound manner. The State of Jharkhand has also been facing the problem of naxalite violence for a number of years. In view of its economic backwardness, the naxalites have found sympathetic elements within the population. Therefore, economic backwardness is the root cause of the naxalite problem. It is, therefore, necessary that the Central Government should provide special financial assistance to the State of Jharkhand for its all-round development including the welfare of weaker sections and for the development and exploitation of its vast natural resources which include coal, iron ore, manganese and strategically important resources such as uranium. Such a step of providing financial assistance to the State would go a long way in building this nation more and more strong.

Hence this Bill.

NEW DELHI; SUNIL KUMAR SINGH

February 10, 2015.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that there shall be paid such sums of moneys out of the Consolidated Fund of India, every year, as Parliament may by due appropriation by law provide, as special financial assistance to the State of Jharkhand to meet the costs of such schemes of development, as may be undertaken by the State with the approval of the Central Government.

The Bill, therefore, on enactment, will involve expenditure out of the Consolidated Fund of India for providing special financial assistance to the State of Jharkhand. As the sums of moneys which will be given to the State of Jharkhand as special financial assistance by appropriation by law made by Parliament will be known only after the welfare schemes to be implemented by the State Government with the approval of Central Government are identified, it is not possible to give the estimates of recurring expenditure, which would be involved out of the Consolidated Fund of India at this stage.

No non-recurring expenditure is likely to be incurred from the Consolidated Fund of India.

BILL NO. 67 OF 2015

A Bill to provide for welfare of orphan children and for matters connected therewith.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Orphan Child (Welfare) Act, 2015.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(*b*) "child" means a person who has not completed the age of eighteen years; and

(*c*) "orphan child" includes a child who is an abandoned, neglected or a destitute child.

Establish-ment of children homes.

3. The Central Government shall establish adequate number of children homes with all basic amenities in every district of the country for the welfare of orphan children.

Facilities to be provided to the orphan children in children homes.

4. *(1)* Every orphan child who is admitted into the children home shall be entitled to the following facilities free of cost,—

(a) accommodation, food and clothing;

(b) education including higher and technical education; and

(c) medical assistance.

(2) Every orphan child shall also be entitled to such other facilities as are necessary for his all-round development.

Extension of benefits of centrally-sponsored schemes meant for children belonging to the Scheduled Caste and the Scheduled Tribe to orphan children.

5. Notwithstanding anything contained in any other law for the time being in force, all benefits of centrally-sponsored schemes meant for the welfare of children belonging to the Scheduled Castes and the Scheduled Tribes shall also be available to orphan children.

Nodal officer in every district.

6. (*1*) The appropriate Government shall designate a nodal officer in every district to ensure that all benefits of schemes meant for welfare of children belonging to the Scheduled Castes and the Scheduled Tribes reach every orphan child.

(*2*) The nodal officer shall, in respect of his district, submit an annual report containing such details of welfare measures provided to orphan children, as may be prescribed by rules made under this Act, to the Central Government.

Power to make rules.

7. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Though there are some schemes to take care of orphan children, the situation of orphan children in our country is still worst. There is no comprehensive policy framework for their overall development. Therefore, this Bill proposes that all the benefits meant for welfare of children belonging to the Scheduled Castes and the Scheduled tribes be extended to orphan children so as to ensure them a dignified life in true spirit of Constitution.

Hence this Bill.

NEW DELHI;
February 10, 2015.

PRAHLAD SINGH PATEL

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for setting up of adequate number of children homes with all basic amenities for the welfare of orphan children in every district of the country by the Central Government. Clause 4 provides for free of cost food, accommodation, clothing, education and medical facilities to the orphan children. Clause 5 provides for extension of benefits of centrally-sponsored schemes meant for the welfare of children belonging to the Scheduled Castes and the Scheduled Tribes to every orphan child. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees five hundred crore is likely to be involved.

A non-recurring expenditure of about rupees five crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 66 OF 2015

A Bill to exempt owners of private vehicles from payment of toll on national highways.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. (*1*) This Act may be called the Private Vehicles (Exemption from Toll) Act, 2015. Short title and commencement.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "private vehicle" means a vehicle owned by any person for personal use but does not include a commercial vehicle;

(*b*) "toll" means a fee charged from a driver or owner of a motor vehicle for using any section of a national highway; and

(*c*) "toll plaza" means a structure built on a National Highway for the purpose of collecting toll by the National Highway Authority of India or by any other entity under the public private partnership.

Exemption to private vehicles from payment of toll.

3. No toll shall be charged for using any section of any national highway from a person driving in a private vehicle at any toll plaza.

Penalty.

4. Any person who violates the provision of section 3 shall be punished with imprisonment for a term which may extend to one year and fine which may extend to ten thousand rupees.

STATEMENT OF OBJECTS AND REASONS

The recent increase in initiatives of public private partnership model infrastructure projects of highways and other roads have satisfactorily increased the safety and security of passengers and speed of vehicular traffic. At the same time, it has created additional burden on private vehicle owners as they have to pay user fee at toll plazas on highways even when they use the vehicle for personal purpose. Most of the times the heavy vehicular traffic leads to long traffic jams causing significant loss of valuable time along with precious fuel causing stress on individual and nations' economy as we have to import petroleum products. The share of amount collected from private vehicles is hardly ten per cent of total amount of toll collections. Therefore, exemption to private vehicles from payment of user fee will not lead to financial burden on National Highways Authority of India or the agency concerned under public private partnership. To save time, protect valuable natural resources, foreign exchange and also environment, it is necessary to exempt the owners of private vehicles from payment of user fee at toll plazas for using any section of national highways for personal purpose.

Hence this Bill.

NEW DELHI;
February 10, 2015.

PRAHLAD SINGH PATEL

BILL NO. 68 OF 2015

A Bill to regulate closing down of broadcasting channels by television broadcasting companies and for matters connected therewith.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called as Television Broadcasting Companies (Regulation) Act, 2015.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definition.

2. In this Act, unless the context otherwise requires, "prescribed" means prescribed by rules made under this Act.

Guidelines for closing down the operation of broadcasting channels.

3. No television broadcasting company shall close down the operation of its broadcasting channel except in accordance with provisions of this Act.

Constitution of Regulatory Committee.

4. (*1*) The Central Government shall, within six months of the coming into force of this Act, constitute a Committee to be known as the Regulatory Committee.

(*2*) The Committee shall consist of—

(*a*) the Secretary to the Ministry of Information and Broadcasting — Chairperson, *ex-officio;*

(*b*) an Additional Secretary to the Ministry of Finance — Member*;*

(*c*) an Additional Secretary to the Ministry of Law and Justice — Member*;*

(d) three persons representing the television broadcasting companies — Member; and

(e) three persons representing the employees of television broadcasting channels — Members.

Application for closing down the operation of a broadcasting channel.

5. (*1*) A television broadcasting company which intends to close down the operation of its broadcasting channel shall apply to the Regulatory Committee in such form and manner as may be prescribed.

(*2*) The Regulatory Committee shall, before taking a decision on closing down of a television broadcasting channel, give an opportunity of being heard to the employees of that channel.

(*3*) The Regulatory Committee shall give its decision within three month of the receipt of an application made under sub-section (*1*).

Act to have overriding effect.

6. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or in any instrument having effect by virtue of any law other than this Act.

Power to make rules.

7. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

After the liberalization, there was a boom in the country's media industries which led to launch of a number of channels by private limited or public limited companies. This privatization opened up different set of problems including fall in advertising revenues and overcrowded market resulting in layoff and closure of channels. There are ample number of examples where private channel operators shutdown their operations within a period of one year for various reasons. Therefore, prior permission must be obtained before stopping the broadcasting by properly presenting the case and obtaining necessary permission from the regulatory body without any harassment to employees and other persons working in the broadcasting channel. This will also stop wastage of precious resources.

Hence this Bill.

NEW DELHI;
February 10, 2015.

PRAHLAD SINGH PATEL

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for constitution of a Regulatory Committee. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India for payment of travelling allowance/dearness allowance to the members. It is estimated that an annual recurring expenditure of about rupees five hundred crore would be involved per annum from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only and, as such, the delegation of legislative power is of a normal character.

BILL NO. 69 OF 2015

A Bill further to amend the Indian Penal Code, 1860.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Indian Penal Code (Amendment) Act, 2015.

Amendment of section 376.

45 of 1860.

2. In section 376 of the Indian Penal Code, 1860, after sub-section (*2*), the following sub-section shall be added at the end, namely,—

"(*3*) Notwithstanding anything in this section, whoever commits rape and makes its audio, video or audio-video recording either himself or through any other person, shall be punished with death.

(*4*) Whoever keeps or circulates the audio, video or audio-video recording of rape with the intent to tarnish the image of a victim of rape or exploiting or harassing her, shall be punished with imprisonment which shall not be less than three years and fine which shall not be less than one lakh rupees.".

STATEMENT OF OBJECTS AND REASONS

Recent increase in the circulation of audio-video clips of rape victims are causing additional torture to the shattered soul of rape victim and her family members. It is not only creating law and order problem but also manipulating the tender mindset of youngsters, who watch such rape crime video clips. This is also noticed that such audio-video clips are available in the black market at very high prices, which is another matter of grave concern. This also opens up doors for easy money at the cost of violation of basic rights of victims and their families. Therefore, a strict law is essential to control this new crime, having potential to cause collateral damage to the victim and her family. The Bill, accordingly, seeks to amend the Indian Penal Code, 1860 with a view to provide that whoever commits rape and makes its audio, video or audio-video recording, either himself or through any other person, shall be punished with death. The Bill also provides for punishment for keeping or circulating audio, video or audio-video recording of rape with intent to tarnish the image of a rape victim or exploiting or harassing such victim.

Hence this Bill.

NEW DELHI;
February 10, 2015.

PRAHLAD SINGH PATEL

BILL NO. 65 OF 2015

A Bill to provide for the constitution of a National Commission for Students and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title, extent and commencement.

1. (*1*) This Act may be called the National Commission for Students Act, 2015.

(*2*) It extends to the whole of India except the State of Jammu and Kashmir.

(*3*) It shall come in to force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act , unless the context otherwise requires,—

(*a*) "Commission" means the National Commission for Students constituted under section 3;

(*b*) "member" means a member of the Commission and includes the Member-Secretary;

(*c*) "prescribed" means prescribed by rules made under this Act; and

(*d*) "student" means a person who is pursuing any course of study in any educational institution or in any branch outside India of an educational institution registered in India.

CHAPTER II

THE NATIONAL COMMISSION FOR STUDENTS

Constitution of National Commission for Students.

3. *(1)* The Central Government shall constitute a body to be known as the National Commission for Students to exercise the powers conferred on, and to perform the functions assigned to, it under this Act.

(2) The Commission shall consist of—

(a) a Chairperson, committed to the cause of students, to be nominated by the Central Government, who is or has been a Judge of the Supreme Court or High Court or eligible to be appointed as a Judge of the Supreme Court or a High Court.

(b) seven Members to be nominated by the Central Government from amongst persons of ability, integrity and standing who have had experience in law, student activism, management of an industry or organisation administration, economic development, health, education or social welfare, committed to increasing the employment potential of students and promoting voluntary organisations of students (including students activists):

Provided that—

(a) at least one member each shall be from amongst persons belonging to the Scheduled Castes, the Scheduled Tribes and the other backward classes, respectively;

(b) at least one member shall be a woman;

(c) at least one member shall be a person having adequate legal background in welfare legislations.

(c) a Member-Secretary to be nominated by the Central Government, who shall be—

(i) an expert in the field of academic or management of educational structure or social movements launched by students, or

(ii) an officer who is a member of a civil service of the Union or of an all-India service or holds a civil post under the Union with appropriate experience.

Term of office and conditions of service of Chairperson and Members.

4. (*1*) The Chairperson and every Member shall hold office for such period, not exceeding three years, as may be specified by the Central Government in this behalf.

(*2*) The Chairperson or a Member (other than the Member-Secretary) may, by writing and addressed to the Central Government resign from the office of Chairperson or, as the case may be, of the Member at any time.

(*3*) The Central Government shall remove a person from the office of Chairperson or a Member referred to in sub-section (2) if that person—

(*a*) becomes an undischarged insolvent;

(*b*) gets convicted and sentenced to imprisonment for an offence which in the opinion of the Central Government involves moral turpitude;

(*c*) becomes of unsound mind and stands so declared by a competent court;

(*d*) refuses to act or becomes incapable of acting;

(*e*) is, without obtaining leave of absence from the Commission, absent from three consecutive meetings of the Commission; or

(*f*) in the opinion of the Central Government has so abused the position of Chairperson or Member as to render that person's continuance in office detrimental to the public interest:

Provided that no person shall he removed under this clause until that person has been given a reasonable opportunity of being heard in the matter.

(*4*) A vacancy caused under sub-section (2) or otherwise shall be filled by fresh nomination.

(*5*) The salaries and allowances payable to, and the other terms and conditions of service of, the Chairperson and Members shall be such as may be prescribed.

Officers and other employees of the Commission,

5. (*1*) The Central Government shall provide the Commission with such officers and employees as may be necessary for the efficient performance of the functions of the Commission under this Act.

(*2*) The salaries and allowances payable to, and the other terms and conditions of service of, the officers and the other employees appointed for the purpose of the Commission shall be such as may be prescribed.

Salaries and allowances to be paid out of grants.

6. The salaries and allowances payable to the Chairperson and Members and the administrative expenses, including salaries, allowances and pensions payable to the officers and other employees referred to in section 5, shall be paid out of the grants referred to in sub-section *(1)* of section 11.

Vacancies etc., not to invalidate proceedings of the Commission.

7. No act or proceeding of the Commission shall be questioned or shall be invalid on the ground merely of the existence of any vacancy or defect in the constitution of the Commission.

Committees of the Commission.

8. *(1)* The Commission may appoint such committees as may be necessary for dealing with such special issues as may be taken up by the Commission from time to time.

(*2*) The Commission shall have the power to co-opt as members of any committee appointed under sub-section (1) such number of persons, who are not Members of the Commission, as it may think fit and the persons so co-opted shall have the right to attend the meetings of the committee and take part in its proceedings but shall not have the right to vote.

(3) The persons so co-opted shall be entitled to receive such allowances for attending the meetings of the committee as may be prescribed.

Procedure to be regulated by the Commission.

9. *(1)* The Commission or a committee thereof shall meet as and when necessary and shall meet at such time and place as the Chairperson may think fit.

(*2*) The Commission shall regulate its own procedure and the procedure of the Committees thereof.

(*3*) All orders and decisions of the Commission shall be authenticated by the Member-Secretary or any other officer of the Commission duly authorised by the Member-Secretary in this behalf.

CHAPTER III

FUNCTIONS OF THE COMMISSION

Functions of the Commission.

10. (*1*) The Commission shall perform all or any of the following functions, namely:—

(*a*) investigate and examine all matters relating to the rights and safeguards provided for students;

(*b*) present to the Central Government, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards;

(*c*) make, in such reports, recommendations for the effective implementation of those safeguards for improving the conditions of students by the Union or any State;

(*d*) review, from time to time the existing provisions of the Constitution and other laws affecting students and recommend amendments thereto so as to suggest remedial legislative measures to meet any lacunae, inadequacies or shortcomings in such legislations;

(*e*) take up the cases of violation of the provisions of the Constitution and of other laws in relation to students with appropriate authorities;

(*f*) look into complaints and take *suo moto* notice of matters relating to—

(*i*) deprivation of student's rights; including denied and unfair trade practices of educational loans;

(*ii*) non-implementation of laws enacted to provide protection to students and also to achieve the objective of equality and development;

(*iii*) non-compliance of policy decisions, guidelines or instructions aimed at mitigating hardships and ensuring welfare and providing relief to students, and take up the issues arising out of such matters with appropriate authorities;

(*g*) call for special studies or investigations into specific problems or situations arising out of discrimination and atrocities against students and identify the constraints so as to recommend strategies for their removal;

(*h*) participate and advise on the planning process of socio-economic development of students;

(*i*) evaluate the progress of the development of role of students under the Union and any State;

(*j*) inspect or cause to be inspected a jail, juvenile home, remand home, women's institution or other place custody where students are kept as prisoners or otherwise, and take up with the concerned authorities for remedial action, if found necessary;

(*k*) to inspect any educational institution and its premises including hostels and offices and take up with concerned authorities for remedial action, if found necessary;

(l) fund litigation affecting a large body of students in disputes relating to educational issues with managements;

(*m*) make periodical reports to the Government on any matter pertaining to students; and

(*n*) any other matter which may be referred to it by the Central Government.

(*2*) The Central Government shall cause all the reports referred to in clause (b) of sub-section (*1*) to be laid before each House of Parliament along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for the non-acceptance, if any, of any of such recommendations.

(*3*) Where any such report or any part thereof relates to any matter with which any State Government is concerned, the Commission shall forward a copy of such report or part to such State Government who shall cause it to be laid before the Legislature of the State along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for the non-acceptance, if any, of any of such recommendations.

(*4*) The Commission shall, while investigating any matter referred to in clause (*a*) or sub-clause (*i*) of clause (*f*) of sub-section (*1*), have all the powers of a civil court trying a suit and, in particular in respect of the following matters, namely:—

(*a*) summoning and enforcing the attendance of any person from any part of India and examining him on oath;

(*b*) requiring the discovery and production of any document;

(*c*) receiving evidence on affidavits;

(*d*) requisitioning any public record or copy thereof from any court or office;

(*e*) issuing commissions for the examination of witnesses and documents; and

(*f*) any other matter which may be prescribed.

CHAPTER IV

FINANCE, ACCOUNTS AND AUDIT

Grants by the Central Government.

11. *(1)* The Central Government shall, after due appropriation made by Parliament by law in this behalf, pay to the Commission by way of grants such sums of money as the Central Government may think fit for being utilised for the purposes of this Act.

(2) The Commission may spend such sums as it thinks fit for performing the functions under this Act, and such sums shall be treated as expenditure payable out of the grants referred to in sub-section *(1)*.

Accounts and Audit.

12. (*1*) The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Commission shall be audited by the Comptroller and Auditor-General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Commission to the Comptroller and Auditor-General.

(*3*) The Comptroller and Auditor-General and any person appointed by him in connection with the audit of the accounts of the Commission under this Act shall have the same rights and privileges and the authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Commission.

(*4*) The accounts of the Commission, as certified by the Comptroller and Auditor-General or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government by the Commission.

Annual Report.

13. The Commission shall for each financial year prepare in such form and at such time, as may be prescribed, its annual report, giving a full account of its activities during the previous financial year and forward a copy thereof to the Central Government.

Annual report and audit report to be laid before Parliament.

14. The Central Government shall cause the annual report together with a memorandum of action taken on the recommendations contained therein, in so far as they relate to the Central Government and the reasons for the non-acceptance, if any, of any of such recommendations and the audit report to be laid as may be after the reports are received, before each House of Parliament.

CHAPTER V

MISCELLANEOUS

Chairperson, Members and staff of the Commission to be public servants.

15. The Chairperson, the Members, officers and other employees of the Commission shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code 1860. 45 of 1860.

Central Government to consult Commission.

16. The Central Government shall consult the Commission on all major policy matters affecting students.

Power to make rules.

17. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(*2*) In particular, and without prejudice to the generality of the forgoing power, such rules may provided for all or any of the following matters, namely—

(*a*) salaries and allowances payable to and the other terms and conditions of service of the Chairperson and Members under sub-section (*5*) of section 4 and of officers and other employees under sub-section (*2*) of section 5;

(*b*) allowances for attending the meetings of the Committee by the co-opted persons under sub-section (*3*) of section 8;

(*c*) other matters under clause (*f*) of sub-section (*4*) of section 10;

(*d*) the form in which the annual statement of accounts shall be maintained under sub-section (1) of section 12;

(*e*) the form in, and the time at, which the annual report shall be prepared under section 13; and

(*f*) any other matter which is required to be, or may be, prescribed.

(*3*) Every rule made under this Act shall be laid as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if before the expiry of the session immediately following the session or successive sessions aforesaid both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Students are the future of our nation. But the recent trend in education sector being monetary based is eroding social consciousness. Education plays an important role in shaping an individual's career. Education removes blanket of ignorance, empowers people and familiarises them of their fundamental rights. The level of education helps people to earn recognition and respect in the society. Article 21A of the Constitution guarantees free and compulsory education to all the children between the age of six to fourteen years. However, there is no obligation on the part of the Government to ensure pre-primary and higher education. Although, Government has taken an important step by enacting the Right of Children to Free and Compulsory Education Act, 2009, yet, a lot more needs to be done to enable the children to secure gainful employment after completing their education.

The Bill seeks to provide for the Constitution of a National Commission for welfare and protection of rights of students. The main task of the Commission shall be to study and monitor all matters relating to the constitutional and legal safeguards provided for students, to review the existing legislations and suggest amendments, wherever necessary. It will also look into the complaints and take students notice of the cases involving deprivation of the rights of students in order to provide support, legal or otherwise, to hapless students. The Commission shall monitor the proper implementation of all the legislations made to protect the rights of students so as to enable them to achieve equality in all spheres of life and equal participation in the development of the nation.

The Bill seeks to achieve the aforesaid objectives.

NEW DELHI; A. SAMPATH

February 11, 2015.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constitution of a National Commission for Students. Clause 6 provides for salaries and allowances to be paid to the Chairperson and members of the Commission. Clause 8 provides for appointment of Committees to deal with special issues. Clause 9 provides for meetings of the Commission and Committees. Clause 10 provides for funds for meeting expenditure on litigation affecting students. Clause 11 provides that the Central Government shall provide funds to the Commission. Clause 12 provides for payment of expenditure incurred on audit of the Commission.

The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. At this stage, it is not possible to give the exact amount to be incurred. However, it is estimated that a recurring expenditure of about rupees four hundred crore will be involved per annum.

A non-recurring expenditure of rupees forty crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 17 of the Bill empowers the Central Government to make rules to carry out the provisions of the Bill. Such rules may provide for matters, such as—

(*a*) the manner of preparation of the panel of eminent persons under sub-section (2) of section 3;

(*b*) salaries and allowances payable to, and the other terms and conditions of service of, the Chairperson and Members under sub-section (*5*) of section 4 and officers and other employees under sub-section (*2*) of section 5;

(*c*) allowances for attending the meetings of the committee by the co-opted persons under sub-section (*3*) of section 8;

(*d*) the form in which the annual statement of accounts shall be maintained under sub-section (1) of section 12;

(*e*) the form in, and the time at, which the annual report shall be prepared under section 13;

(*f*) any other matter which is required to be, or may be, prescribed.

2. The matters in respect of which rules may be made are matters of procedural and administrative detail and it is not practicable to provide for them under the Bill itself. The delegation of the legislative power is, therefore, of a normal character.

BILL NO. 71 OF 2015

A Bill further to amend the Indian Penal Code, 1860.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Indian Penal Code (Amendment) Act, 2015.

Amendment of section 375.

45 of 1860.

2. In Indian Penal Code, 1860, in section 375, *Exception 2* shall be omitted.

STATEMENT OF OBJECTS AND REASONS

As per the current provision, intercourse by a man with his own wife is not rape, if the wife is above fifteen years of age, on account of the matrimonial consent she has given which she cannot retract. Thus, a husband can be prosecuted for committing rape on his minor wife below fifteen years of age only.

This provision is based on the law that existed in England during the 19th century and was based on the belief that regarded wife as the husband's chattel. However, even in England, the law which regarded consent of a wife to sexual intercourse with her husband irrevocable, no more exists. Therefore, a husband can be convicted for the rape or attempt to rape of his own wife.

The given principle is rational and based on the principle of equality and highlights that self-restraint is an important element of human life, particularly in matrimony. The Bill, therefore, seeks to amend the Indian Penal Code, 1860 with a view to prosecute husbands for committing marital rape where she has withdrawn her consent to intercourse.

Hence this Bill.

NEW DELHI; JAGDAMBIKA PAL

February 12, 2015.

BILL NO. 57 OF 2015

A Bill further to amend the Information Technology Act, 2000.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Information Technology (Amendment) Act, 2015.

(*2*) It shall come into force at once.

Amendment of section 66A.

21 of 2000.

2. In the information Technology Act, 2000, in section 66A,—

(*i*) clause (*a*) shall be omitted;

(*ii*) in clause (*b*), the words ''annoyance, inconvenience,'' shall be omitted;

(*iii*) in clause (*c*), the words ''for the purpose of causing annoyance or inconvenience or'' shall be omitted; and

(*iv*) after clause (*c*), for the words ''three years and with fine'' the words ''one month or with fine'' shall be substituted.

STATEMENT OF OBJECTS AND REASONS

Right to Freedom of Speech and Expression is a fundamental principal for any vibrant democracy. The founding fathers of Indian constitution undoubtedly considered free speech as one of the most basic rights, essential for safeguarding and promoting other human rights. While providing for Right to free speech under article 19(1)(a) of the Constitution, certain reasonable restrictions under article 19(2) have been laid down. Therefore, free speech can be restricted only on the grounds of reasonable restrictions as mentioned in article 19(2). Section 66A of the Information Technology Act, 2000 in its current form is arbitrary and does not adhere to the standards laid down by article 19(2) and the interpretation yardsticks laid down by the Hon'ble Supreme Court.

The phrases used in section 66A such as causing inconvenience, is of menacing character and vague and have a tendency of being used arbitrarily, leading to chilling effects on free speech and other rights of the citizens. It provides for criminal recourse for speech that is grossly offensive and aims at merely causing "annoyance" or "inconvenience". These phrases are very subjective and vague and not in conformity with the restrictions mentioned under article 19(2) and thus create new offences hampering the online right to freedom of expression.

In the last few years, there have been several instances of misuse of this provision such as the arrests of cartoonists, university professors for posting caricatures for criticizing the Government's ineffectiveness and even the arrest of teenagers for questioning shutdown of a city on social networks like Facebook. These arbitrary arrests highlight the potential abuse of this provision due to the subjective powers conferred on the police.

Moreover, section 127 of the United Kingdom Communications Act, 2003, from which the phraseology of section 66A has been borrowed was also struck down by the House of Lords in the case of *Director of Public Prosecutions vs. Collins.* It was held that Parliament could not have intended to criminalize statements that one person may reasonably find to be polite and acceptable and another may decide to be grossly offensive. However, section 66A continues to provide punishment without any safeguard or judicially evolved checks and balances guiding the interpretation regarding the ingredients of the offence warranting invoking of the provision.

Section 66A of Information Technology Act provides punishment up to three years of imprisonment and fine without any upper limit. The punishment *prima-facie* is disproportional to the offence mentioned. There is no reasonable justification provided as to why punishment for sending offensive messages through communication service should extend to three years with a fine, particularly when the punishment for criminal nuisance under the Indian Penal Code, 1860 extends to a fine of rupees two thousand with no imprisonment. It is not surprising that due to such provisions, India was ranked at 140th place out of 179 countries in the Press Freedom Index, 2013. Therefore, the provisions in its current form is violative of several human rights and in direct contravention of the principle of right to free speech and expression and need to be amended.

Hence this Bill.

NEW DELHI;
February 12, 2015.

JAGDAMBIKA PAL

BILL NO. 72 OF 2015

A Bill to provide for compulsory military training for all able-bodied gazetted officers of the Central Government and for matters connected therewith.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Gazetted Officers of the Central Government compulsory Military Training) Act, 2015.

(*2*) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "gazetted officer" means a Group 'A' or Group 'B' gazetted officer, below the age of forty-five years, of the Central Government and includes officers belonging to All India Services but does not include officers of Indian Police Service, Central Armed Police Forces and Armed Forces; and

(*b*) "prescribed" means prescribed by rules made under the Act.

Compulsory military training to Gazetted Officers of the Central Government.

3. *(1)* The Central Government shall, within a period of five years from the date of selection or promotion, as the case may be, to a gazetted post provide military training to all able-bodied Gazetted Officers for a period of not less than one year.

(*2*) The military training referred to in sub-section (*1*) shall be imparted in such manner as may be prescribed.

(3) The Central Government shall establish such number of institutions and take such other necessary steps, as it may deem fit, to give effect to the provisions of sub-section (1).

Awarding of certificate on completion of training.

4. Every gazetted officer who successfully completes training under sub-section (*1*) of section 3—

(*i*) shall be awarded a certificate to that effect by the Central Government; and

(*ii*) may, in situations of the natural and civil emergencies, be deputed to assist the Armed Forces, police or disaster management personnel.

Power to make rules.

5. (*1*) The appropriate Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

It is definitely a good idea to have a well trained civilian as well as a trained army. Compulsory military training to all able-bodied Gazetted Officers of the Central Government will instill a more strong sense of self-discipline, character building, leadership qualities and patriotism among them. Such a step will provide our Armed Forces with trained volunteers whose services can be utilized during civil or natural emergencies like earthquake, tsunami, cloudburst, hailstorm or floods in an efficient manner. Moreover, Army trained officer will be able to instill a strong sense of loyalty, duty and discipline among their subordinate and contribute to core values and ethos of the country. These trained officers will also realize the importance of service being rendered by members of Armed Forces . The training will make them more smart, fit, mature and motivated.

The Government should take effective steps for implementation of the proposal that whoever enters the Government service including Public Sector Undertakings must compulsorily serve in the Armed Forces for a minimum period of two or three years. Alternatively, the Government may consider giving incentives in promotion, place of posting etc. to those who enter the Government service, after serving a minimum period of two or three years in the Armed Forces.

The Bill, therefore, seeks to provide for compulsory military training to all Gazetted Officers of the Central Government with a view to develop a more strong sense of loyalty, duty and self-discipline among them and prepare a trained manpower in reserve to meet any eventuality or natural calamity.

Hence this Bill.

NEW DELHI;
February 12, 2014.

B C KHANDURI

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for military training to be imparted to all able-bodied gazetted officers of the Central Government. It further provides for setting up of training institutions for the purpose of imparting military training. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees three hundred crore will be incurred per annum.

A non-recurring expenditure of rupees three hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the appropriate Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 76 OF 2015

A Bill to provide for social security to senior citizens and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-sixth year of the Republic of India as follows:—

Short title, extent and commence-ment.

1. *(1)* This Act may be called the Provision of Social Security to Senior Citizens Act, 2015.

(2) It extends to the whole of India execpt the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "prescribed" means prescribed by rules made under this Act;

(c) "senior citizen" means any person who has attained the age of sixty years; and

(d) "social security" means provision of food and healthcare, establishment of recreation centres and other amenities necessary for the welfare of senior citizens.

Social security to senior citizens by the appropriate Government.

3. It shall be the duty of the appropriate Government to provide social security to all senior citizens and to ensure their protection from exploitation and ill-treatment so as to ensure a peaceful life for them.

Payment of pension to senior citizens.

4. Every senior citizen who is unable to maintain himself from his own earnings or out of property owned by him, shall be paid monthly pension at such rate, as may be prescribed, by the appropriate Government.

Facilities to be provided to senior citizens.

5. The appropriate Government shall provide the following facilities to the senior citizens—

(a) free medical and other healthcare facilities in all Government and private hospitals including reimbursement of amount spent on medicines;

(b) interest free housing loan upto rupees one lakh;

(c) subsidy upto ninety per cent. for amount spent on travel by road or by railways or by air; and

(d) free legal assistance.

Establishment of old age homes.

6. The appropriate Government shall establish and maintain old age homes at accessible places in each district which shall have such facilities as may be prescribed for senior citizens.

Measures for publicity, awareness for welfare of senior citizens.

7. The appropriate Government shall take all measures to create awareness amongst public about rights of senior citizens and give wide publicity to the provisions of this Act by organizing seminars, symposia, lectures and conferences.

Central Government to provide funds.

8. The Central Government shall, after due appropriation made by law by Parliament in this behalf, provide adequate funds to the State Governments for carrying out the purposes of this Act.

Act to have over-riding effect.

9. The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act not in derogation of other laws.

10. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matters dealt with by this Act.

Power to make rules.

11. *(1)* The appropriate Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State legislature.

STATEMENT OF OBJECTS AND REASONS

Senior citizens are often neglected by the members of their own families. Their problems have increased to such an extent that in the year 1991, the General Assembly of the United Nations urged the Governments to formulate relevant policies in this regard. Hence, this is very much necessary to provide social security to the senior citizens. There should be provision for financial security, medical care and shelters for the senior citizens and they should be given protection against ill-treatment and exploitation.

Hence this Bill.

NEW DELHI;
February 13, 2015.

JANARDAN SINGH 'SIGRIWAL'

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for social security to senior citizens. Clause 4 provides for the payment of pension to senior citizens who have no independent and adequate means of livelihood. Clause 5 provides that free medical and other healthcare facilities, interest-free housing loan, travel subsidy and free legal assistance may be provided to senior citizens. Clause 6 provides for establishment of old age homes for senior citizens. Clause 7 provides for measures for creating awareness among public about the rights of senior citizens. Clause 8 provides for payment of adequate funds to the States for carrying out the purposes of the Act. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India.

It cannot be estimated at this stage as to how many senior citizens will need assistance from the Central Government. However, an annual recurring expenditure of about rupees seven hundred crore is likely to be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees seven crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause11 of the Bill empowers the appropriate Government to make rules for carrying out the provisions of the Bill. The rules will relate to matters of detail only. Therefore, the delegation of legislative power is of a normal character.

BILL NO. 77 OF 2015

A Bill to provide for the constitution of a rural labour welfare fund for the welfare of the rural labour employed in the agriculture and other rural occupations and for matters connected therewith.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. *(1)* This Act may be called the Rural Labour Welfare Fund Act, 2015.

(2) It extends to the whole of India.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "employer" means the cultivator, orchard owner, poultry farm owner, agency, society including cooperative society or any establishment in a rural area which employs rural labour;

(*b*) "Fund" means the Rural Labour Welfare Fund established under section 3;

(*c*) "prescribed" means prescribed by rules made under this Act; and

(*d*) "rural labour" means any person engaged in agriculture, sericulture, poultry, horticulture, handicrafts or any related occupation in rural areas as a wage earner, whether in cash or kind, for his livelihood and includes a person engaged through a contractor or engaged as a self employed person.

Constitution of Rural Labour Welfare Fund.

3. *(1)* With effect from such date, as the Central Government may, by notification in the Official Gazette, specify in this behalf, there shall be constituted for the purposes of this Act, a Fund to be called the Rural Labour Welfare Fund.

(2) The Central Government shall after due appropriation made by Parliament in this behalf, credit to the Fund in each financial year such sums of money as it considers necessary for carrying out the purposes of this Act.

Utilisation of Fund.

4. The Fund shall be utilized by the Central Government to meet the expenditure in connection with measures which in the opinion of the Central Government, after consulting the Governments of the States and Union territories Administrations, are necessary or expedient to promote the welfare of the rural labour and in particular:—

(*a*) to defray the cost of measures to be carried out for the benefit of rural labour towards—

(*i*) providing water supply for drinking and other purposes;

(*ii*) providing educational facilities;

(*iii*) the improvement of standard of living and nutrition;

(*iv*) amelioration of the social conditions;

(*v*) providing housing and recreational facilities;

(*vi*) rendering financial assistance in case of infirmity or disability due to accident, old age, or any other reason; and

(*vii*) providing such other welfare measures as may be prescribed.

(*b*) to grant loan, assistance or subsidy to Government of any State, Union territory Administration, local authority or any organisation for any scheme approved by the Central Government for the purposes connected with the welfare of rural labour;

(*c*) to pay annually grant-in-aid to Government of any State or Union territory administration, local authority or an employer or any other organisation which provides to the satisfaction of the Central Government such welfare measures and facilities of the prescribed standard for the benefit of rural labour;

(*d*) to meet the cost of administering the Fund; and

(*e*) any other expenditure which the Central Government may direct to be defrayed from the Fund.

State Advisory Committees.

5. *(1)* The Central Government may constitute as many Advisory Committees as it deems fit to advise the Central Government on such matters arising out of the implementation of the provisions of this Act:

Provided that atleast one Advisory Committee for each State and Union territory shall be constituted by the Central Government in consultation with the respective State Government and Union territory Administration.

(2) The Central Government shall appoint Chairperson and such number of members, as may be prescribed, of each Advisory Committee.

(*3*) The term of office and other conditions of service of the Chairperson and members shall be such as may be prescribed.

Central Advisory Committee.

6. *(1)* The Central Government shall constitute a Central Advisory Committee to coordinate the work of the Advisory Committees constituted under section 5 and to advise the Central Government on any matter arising out of the implementation of provisions of this Act.

(2) The Central Government shall appoint Chairperson and such number of members, as may be prescribed, of the Central Advisory Committee.

(*3*) The term of office and other conditions of service of the Chairperson and other members shall be such as may be prescribed.

Appointment of Commissioners, Inspectors and other officers.

7. *(1)* The Central Government may appoint as many Rural Labour Welfare Fund Commissioners, Inspectors and such other officers and staff as it deems necessary for carrying out the purposes of this Act.

(*2*) Every person appointed under this section shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860.

45 of 1860.

(*3*) Any officer or inspector appointed under this Act, may,—

(*a*) with such assistance, if any, as he may deem fit, inspect at any reasonable time any place which he considers necessary for carrying out the purposes of this Act;

(*b*) do within such place anything necessary for the proper discharge of his duties; and

(*c*) exercise such other powers as may be prescribed.

State Government to furnish requisite information.

8. The Central Government may require a State Government or a Union territory Administration or a local authority or an employer to furnish for the purposes of this Act, such statistical and other information in such form and within such period as may be prescribed.

Power to make rules.

9. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may provide for,—

(*a*) the manner in which the fund may be applied;

(*b*) the conditions governing the grant of loans or subsidy;

(*c*) the conditions governing grant-in-aid;

(*d*) the standard of welfare measures and facilities to be provided out of the fund;

(*e*) the composition of the Advisory Committees and Central Advisory Committee constituted under sections 5 and 6 respectively and the manner in which the members thereof shall be appointed;

(*f*) the term of office of such members, the allowances, if any, payable to them and the manner in which the Advisory Committee and the Central Advisory Committee shall conduct their business;

(*g*) the recruitment, conditions of service and duties of all persons appointed under section 7; and

(*h*) the powers that may be exercised by an officer or inspector appointed under section 7.

(*3*) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

India resides in villages and eighty-five per cent. of its rural population earns its livelihood from agriculture. There are cultivators, orchard owners, poultry owners, agricultural workers and home based workers in the rural areas. Their number runs into crores. However, their wages and income are meagre and many of them do not get employment throughout the year. These rural labourers also become an easy prey to the debt trap of the landlords and moneylenders who force them to become bonded labourers. Most of them remain very poor throughout their lives and live in distress for generations. In a welfare State like ours, there are no welfare schemes or funds for these helpless rural labourers whereas in the industrial sector there are Labour Welfare Boards and cess is levied and collected through legislative measures in order to provide them various amenities including housing, education and medical care. But the rural labourers are unorganized, poverty stricken and neglected, even by the State.

It is, therefore, necessary that the deteriorating plight of rural workers be felt at national level and the Central Government should constitute a Rural Labour Welfare Fund for financing adequately and systematically the welfare measures to be carried out for the rural and agricultural labour throughout the country so as to achieve the goals of a welfare State in its true sense.

Hence this Bill.

NEW DELHI;
February 13, 2015.

JANARDAN SINGH 'SIGRIWAL'

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of the Rural Labour Welfare Fund. Clause 5 provides for the constitution of Advisory Committees. Clause 6 provides for constitution of a Central Advisory Committee. Clause 7 provides for appointment of Rural Labour Welfare Commissioners, Inspectors and officers and staff for carrying out the purposes of this Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India but it is not possible at this stage to give the precise details of the expenditure that would be involved. It is, however, estimated that it will involve a recurring expenditure of about rupees two hundred crore per annum.

It will also involve a non-recurring expenditure of about rupees sixty lakh.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill provides that the Central Government may make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 53 OF 2015

A Bill further to amend the Electricity Act, 2003.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title.

1. This Act may be called Electricity (Amendment) Act, 2014.

Amendment of section 135.

2. In the Electricity Act, 2003, in section 135,—

(*a*) in the sub-section (*1*), for the first proviso, the following proviso shall be substituted, namely:

"Provided that in a case where the load abstracted, consumed, or used or attempted abstraction or attempted consumption or attempted use—

(*i*) does not exceed 5 kilowatt, the fine imposed on first conviction shall not be less than three times the financial gain on account of such theft of electricity or rupees fifty thousand, whichever is higher, and in the event of second or subsequent conviction the fine imposed shall not be less than six times the financial gain on account of such theft of electricity or rupees one lakh, whichever is higher;

(*ii*) exceeds 5 kilowatt, the fine imposed on first conviction shall not be less than three times the financial gain on account of such theft of electricity or rupees seventy five thousand, whichever is higher, and in the event of second or subsequent conviction, the sentence shall be imprisonment for a term not less than six months, but which may extend to five years and with fine not less than six times the financial gain on account of such theft of electricity or rupees one lakh and fifty thousand, whichever is higher:"; and

(*b*) in sub-section (*1A*), the following proviso shall be added at the end, namely:—

"Provided also that five per cent. of the deposit or payment shall be equally given as additional benefit to the officers of the licensee of supplier, as the case may be, who were part of the inspection team."

STATEMENT OF OBJECTS AND REASONS

The electricity sector in India has an installed capacity of about 250 GW and accounts for 5% of global electricity production, being surpassed only by 7 China and the United States of America. However, our impressive electricity generation record is tarnished by the lossess suffered while transmitting power to the end consumer incurred in the form of Aggregate Technical & Commercial Loses (AT&C losses) which range from 30-50% depending upon the geographical region and the surveying agency concerned. Reputed independent agencies like The Energy Research Institute (TERI) have pegged the AT&C loss in some areas to as high as 60%, which are among the highest in the world. Comparable figures in other major countries range from 4% in Japan and Germany to 6%-8% (China, Europe and USA).

At a PLF of 60% and AT&C loss of 30%, India loses 45 GW of electricity. If the AT&C losses are restricted to 15% approximately, 23 GW of electricity shall be available to other sectors, bringing in immense benefits in the Indian economy.

The high fraction of AT&C losses, coupled with insufficient or no tariff revision, have plunged the financial health of the State Electricity Boards (SEB's). Consequently, it has become increasingly difficult for SEB's to service their debt and lenders have become wary in terms of lost revenue. Thus, plugging of these thefts shall reduce lost revenue, lessen blackouts and stabilize the financial health of the SEB's.

Meanwhile, the Officers of the Licensee or Supplier (as applicable) are also encouraged and incentivized to conduct frequent raids and curtail electricity theft.

The case of Gujarat Electricity Board (GEB), which made and annual profit of rupees 550 crore in Financial Year 2000-01 is a glaring example of the beneficial effects of curtailing electricity thefts.

The present Bill, therefore, seeks to amend the Electricity Act, 2003 with a view to impose penalty on the consumer practicing theft of electricity and causing loss of revenue and posing energy crisis in the country.

The Bill also proposes to give five per cent. of the fine deposited for theft of electricity as additional benefit to the officers of the licensee or supplier so as to incentivize efficient crackdown of theft of electricity.

NEW DELHI;
February 13, 2015.

FEROZE VARUN GANDHI

BILL NO. 60 OF 2015

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2015. Short title.

2. After article 220 of the Constitution, the following article shall be inserted, namely:— Insertion of new article 220A.

"220A. The Chief Justice or any other Judge of a High Court shall not be eligible for further office either under the Government of India or under the Government of any State or in any Public Sector Undertaking after he has ceased to hold office.". Prohibition as to the holding of office by the Chief Justice or a Judge of a High Court on cessation of office.

STATEMENT OF OBJECTS AND REASONS

Independence of judiciary is an essential attribute of rule of law, which is a basic feature of the Constitution. Judiciary must be free from all pressure including the pressure from executive as well as psychological pressure relating to their appointment after retirement. The Judges are required to ensure the independence and impartiality of judiciary by keeping themselves free from any allurement or employment under the Government after their retirement.

The Constitution specifically prohibits the Chairman of Union Public Service Commission and its Members, the Chairman of State Public Service Commission and its Members for further employment either under the Government of India or under the Government of any State. The Constitution on the otherhand nowhere restricts or prohibits retired Chief Justice and Judges of the High Courts to hold further employment either under the Government of India or under any of the State Government.

Likewise article 148(4) provides that the Comptroller and Auditor General of India shall not be eligible for further office either under the Government of India or under the Government of any State after he has ceased to hold his office.

The Chief Justice and Judges of the various High Courts, the Comptroller and Auditor General of India, the Chairman of the Union Public Service Commission, the Chairmen and members of the State Public Service Commissions are constitutional functionaries and they should be kept free from all kinds of allurement or employment under the Government after cessation of their office. It is presumed that reappointment of Judges would have effect of undermining the independence and fairness of judiciary.

In the present scenario, the Chief Justice and Judges of High Courts are getting handsome salary, other amenities, perks and post retirement benefits. The Chief Justice and Judges of the High Courts are adjudicating rights of citizens which have been jeopardized by the Government. The Judges are coming in contact with the Government on every step. As such need of the moment is to insert a provision in the Constitution for prohibiting the retired Chief Justice and Judges of the High Courts from holding any office/employment under the Government of India or under the Government of any State or in any Public Sector Undertaking.

Hence this Bill.

NEW DELHI;
February 13 , 2015.

P. P. CHAUDHARY

Bill No. 59 of 2015

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 2015.

Amendment of article 124.

2. In article 124, after clause (*7*), the following clauses shall be inserted, namely:—

"(*8*) The Chief Justice of India shall not be eligible for further office either under the Government of India or under the Government of any State or in any Public Sector Undertaking after he has ceased to hold his office.

(*9*) A Judge of the Supreme Court shall not be eligible for further office either under Government of India or under the Government of any State or in any Public Sector Undertaking after he has ceased to hold his office.".

STATEMENT OF OBJECTS AND REASONS

Independence of judiciary is an essential attribute of rule of law, which is a basic feature of the Constitution. Judiciary must be free from all pressure including the pressure from executive as well as psychological pressure relating to their appointment after retirement. The Judges are required to ensure the independence and impartiality of judiciary by keeping them free from any allurement of employment under the Government after their retirement. The Constitution nowhere restricts or prohibits retired Judges of the Hon'ble Supreme Court and the Hon'ble High Courts to hold further employment either under the Government of India or under any of the State Government.

The Constitution, on the other hand, specifically prohibits the Chairman of Union Public Service Commission and its Members, the Chairmen and the members of State Public Service Commissions for further employment after their retirement, either under the Government of India or under the Government of the State.

Likewise article 148(4) provides that the Comptroller and Auditor General shall not be eligible for further office either under the Government of India or under the Government of any State after he has ceased to hold his office.

The Hon'ble Judges of the Supreme Court, various High Courts, the Comptroller and Auditor General of India, the Chairman of the Union Public Service Commission, the Chairmen and members of the State Public Service Commissions are constitutional functionaries and they should be kept free from all kinds of allurement or employment under the Government after cessation of their respective offices. It is presumed that reappointment of Judges, after cessation of office would have effect of undermining the independence and fairness of judiciary.

In the present scenario, the Judges are getting handsome salary, other amenities, perks and post retirement benefits. The Judges of the Supreme Court and the High Courts are adjudicating rights of citizens which have been jeopardized by the Government. The Judges are coming in contact with the Government on every step. As such need of the moment is to introduce similar provisions in the Constitution for prohibiting the Chief Justice and the Judges of the Supreme Court from holding any employment under the Government of India or under the Government of State after their retirement.

NEW DELHI;
February 13, 2015.

P. P. CHAUDHARY

ANOOP MISHRA
Secretary General

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